

U.S. DEPARTMENT OF LABOR

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FEDERAL ADVISORY COMMITTEE FOR OCCUPATIONAL SAFETY
AND HEALTH

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THURSDAY
SEPTEMBER 28, 2006

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ARLINGTON, VA

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The committee convened at 10:00 a.m. in room 2537-G on the 25th floor of 1100 Wilson Boulevard, Arlington, Virginia, Assistant Secretary Edwin Foulke, Jr., Chairman, presiding.

Present:

EDWIN G. FOULKE, JR. Chair
W. COREY THOMPSON Vice-Chair
FRANK DENNY Designee of R. Allen Pittman
CURTIS BOWLING
MILLY RODRIGUEZ
DONALD BATHURST
THOMAS GALASSI
DIANE M. BRAYDEN Secretary
SHELBY HALLMARK
RICHARD WILLIAMS
KEITH NELSON
ROBERT LEE MARTIN
VICKERS MEADOWS
JOSE GONZALES

Also Present:

JIM MEREDITH
SUEY HOWE
JENNIFER SILK
DAVID MARCINIAK
CATHY OLIVER
LAURA SEEMAN

Attending:

RANDY ERWIN
BRIAN ROGERS
BILL TUMBLIN
W. CZAPLA
MICHAEL THOMAS
DAN GLUCKSMAN
MARVIN GREENE
JOAN FLYNN
MARIA A. JONES
SAMARA MOORE
TONY PIERPOINT
ALFRED POPE
SANDY GUCHES
LOUIS ROWE
ART KAMINSKI
ELLEN BYERRUM
BARBARA QUINN
SEAN CUSSON
MELISSA TERLEY
VENETA CHATMON
ALICE JACOBSON
BURL KELLER
LaVEETA MOTEN
WILLIAM BASS
MIKKI HOLMES
DAVID MARCINIAK
STEPHEN WALLACE
JIM STEVENS
LEWIS LIGONE
LITA ARNOLD
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Adjourn

(10:09 a.m.)

SECRETARY FOULKE: Good morning. My name is Ed Foulke. I am Assistant Secretary of Labor for Occupational Safety and Health Administration. I want to say, first of all, thank you to each and every member of the FACOSH Committee for being here today and agreeing to serve. I know that you probably have other things that you could be doing and probably have other duties that are always pressing, but we deeply appreciate you agreeing to take time out of your busy schedules to participate in this committee.

And this is a very important committee in that what we do here in our -- as part of -- is helping to make sure that federal employees have a safe and healthy workplace. Hopefully, what we do will allow additional things, changes and best practices or whatever that will allow to reduce injuries, illnesses and fatalities in the government.

And that's really an important thing when you think about it -- the opportunity to try to help allow -- to do something that will actually help allow employees and workers to go home each and every night back to their families safe and sound. So it is an important charge, and I just want to say thank you very much for agreeing to serve on this committee.

Also, I'd like to recognize that the this

1 is Labor Heritage Month, and in recognition of that,
2 AFGE Local 12 has provided coffee and donuts and food
3 for this meeting, so we deeply appreciate that, too.

4 The notice of today's meeting was
5 published in the September 8, 2006 *Federal Register*.
6 A copy of that notice is included in each of the
7 members' packets along with a copy of the accompanying
8 OSHA trade news release.

9 The agenda which is in on the second page
10 is included. That outlines the topics to be
11 discussed at today's proceedings, and copies are also
12 available for the other attendees in the audience.
13 And I'd like to thank all the attendees that are here
14 today for showing interest in this important area,
15 too.

16 Also in your meeting materials is
17 documents relating to a program topic which we will be
18 discussing today as well as a booklet that we have
19 been asked to provide to you on emergency preparedness
20 for individuals with disabilities, and I think that's
21 this right here (indicating) here at the front of the
22 desk.

23 Before we move on to the next item on the
24 agenda, I'm going to ask is Keith Pendergrass here?
25 There is back in the back there. Keith works here at
26 MSHA, and I must admit you all have a nicer view than
27 I have at down at 200 Constitution Avenue. Keith is

1 going to go over the emergency evacuation and shelter
2 in place here at the facility.

3 MR. PENDERGRASS: Good morning, everyone.

4 I am Keith Pendergrass. I'm with the Facilities and
5 Property Management branch here. Welcome to 1100
6 Wilson Boulevard and to my Safety and Health. I'm
7 going to give you first of all the two most important
8 things, where to eat and the bathrooms. They're next
9 door, and you need a code to get into them, and the
10 code's are posted on the walls. As far as eating
11 food, we have a cafeteria down on the mall, and we
12 have a couple of little eateries down on the lower
13 mall. And if you want to go to some place like
14 Chipotle's, we have that across the street. Blimpie's
15 is across the street. And McDonald's is just around
16 the corner by the subway.

17 Now for emergency evacuations, if we
18 should happen to have an incident, there will be an
19 alarmed sounded, an audible alarm, and they will tell
20 you to evacuate the building. The evacuation routes
21 are both stairwells. One is located just back here
22 (indicating). When you go out, just turn to the
23 right, and you'll see a sign saying Exit. Take the
24 steps all the way down, and it will let you out right
25 here on this side of the building. Once you get
26 outside, just cross the street to Rosslyn Plaza, which
27 if you look out the window, you can see it.

1 The second set of stairwells are right
2 over here next to Strayer, and they're to the left.
3 Once you get passed the elevator lobby, just turn to
4 the left, and you'll see this exit for the stairwell.

5 Take that down, and that will take you to the same
6 spot as this set of stairwells. And then just proceed
7 over to Rosslyn Plaza, check in with whoever is over
8 there, and let them know that you're here. If you
9 have a list of all the attendees, let them know that
10 everybody is present, of ir anybody is missing or if
11 anybody is still in the building.

12 As far as emergency holding rooms, the
13 emergency holding areas are within MSHA suites, and
14 you actually will need a card key. But in case of an
15 emergency, there is someone who sits near both doors.

16 Just knock on the door, they'll let you in. There
17 are two rooms, one on each side of the building, and
18 they're right as you go through the glass doors.

19 As far as shelter in place for this floor,
20 we have one large library that's also located in MSHA
21 space. If we have a shelter posture 2, that's where
22 you would go to. In case there is a shelter in place,
23 posture 1, everybody will remain here. We just keep
24 the windows closed, and somebody will be up to give
25 you further directions and see if you need anything.

26 That is basically it as far as the
27 evacuations. Usually, if it's a fire, they'll

1 evacuate the floor above and floor below. So if you
2 hear an alarm and it goes off on this floor, then it
3 is for this floor. If you do not hear it on this
4 floor, then it's not for this floor, and it's probably
5 for the floors above us. In that case, everybody just
6 stays put. And I think that's it. If you have any
7 questions, feel free to ask and I'll let you know.
8 Thank you.

9 SECRETARY FOULKE: Okay. Thank you,
10 Keith. I appreciate it.

11 I think what we'll do first is to kind of
12 start off by introducing each of the members of the
13 Council, and then also what we'll do, I'd like to have
14 the other attendees here to introduce themselves, too.

15 When we get to that point. I think there's a
16 wireless mic so we can record this, we have a -- what
17 I'd like to do is everyone, if you would, please state
18 your name, your official title, the organization you
19 represent, and for the Council members here, indicate
20 whether you are a member or you are a designated
21 alternate.

22 My name is, like I said, Edwin G. Foulke,
23 Jr. I am Assistant Secretary of Labor for OSHA, and I
24 am also, under the FACOSH charter, designated the
25 Council Chair.

26 MS. BRAYDEN: I'm Diane Brayden. I'm the
27 Director of OSHA's Office of Federal Agency Programs.

1 MR. HALLMARK: Shelby Hallmark. I'm the
2 Director of the Office of Workers' Compensation
3 Programs, and I guess I'm soft of the ex officio
4 member of the committee.

5 SECRETARY FOULKE: Why don't we go this
6 way?

7 MR. THOMPSON: Corey Thompson. I'm the
8 National Safety and Health Specialist for the American
9 Postal Workers Union, and I am a member.

10 MR. WILLIAMS: Rich Williams, Chief Health
11 and Medical Officer, NASA, and I'm a member.

12 MR. NELSON: Keith Nelson, Assistant
13 Secretary for Administration at HUD, and I'm a member.

14 MR. MARTIN: Robert Martin, Assistant to
15 the President, Organizing Director of Marine Engineers
16 Beneficial Association, and I'm a member of the
17 Council.

18 MS. MEADOWS: Vickers Meadows. I'm the
19 Chief Administrative Officer at the U.S. Patent and
20 Trademark Office, and I'm a member.

21 MR. GONZALES: Jose Gonzales, Supervisor,
22 Immigration Enforcement Agent, and I'm a member.

23 SECRETARY FOULKE: Thank you.

24 MR. DENNY: My name is Frank Denny. I'm
25 the Acting Director for Occupational Safety and Health
26 for Department of Veterans Affairs here for Mr.
27 Pittman who is a member. I am not.

1 MR. BOWLING: I'm Curtis Bowling. I'm the
2 Director for Environmental Radiance and Safety,
3 Department of Defense. I am a member.

4 MS. RODRIGUEZ: I'm Milly Rodriguez. I'm
5 the Health and Safety Specialist of the American
6 Federation of Government Employees, and I'm a member.

7 MR. BATHURST: I'm Don Bathurst. I'm the
8 Chief Administrative Officer for the Department of
9 Homeland Security, and I'm a member.

10 MR. GALASSI: Tom Galassi, Deputy
11 Director, Directorate of Enforcement Programs, not a
12 member.

13 SECRETARY FOULKE: All right. Why don't
14 we go ahead and start in the back there, and just, you
15 know, if you would just tell us your name and your
16 organization.

17 MS. WALKER: Hi. I'm Michelle Walker. I
18 am Team Leader in OSHA's Office of Federal Agency
19 Programs.

20 MS. MILLS: Laura Mills. Again, OSHA
21 Office of Federal Agency Programs.

22 MR. LeGAINIER: Louis LeGainier, Office of
23 Federal Agency Programs. I'm an Industrialist
24 Hygienist.

25 MS. HOLMES: Mikki Holmes, Office of
26 Federal Agency Programs.

27 MR. WALLACE: Steven Wallace, EHSD Program

1 Manager, Treasury.

2 MR. VAND: I'm Richard Vand, Director of
3 Employee Safety and Health with MSHA.

4 MR. STEVENS: Jim Stevens, Safety
5 Director, Department of Agriculture.

6 MS. ARNOLD: I'm Lita Arnold with the
7 Transportation Security Administration.

8 MR. GREULICH: Owen Greulich, Pressure and
9 Energenics System Safety Manager, NASA.

10 MR. ROHT: Louis Roht, Deputy, Safety and
11 Health, National Park Service.

12 MR. MEREDITH: Jim Meredith, Safety and
13 Occupational Health Manager, Department of the
14 Interior.

15 MS. GUCHES: Sandy Guches, Chief of Safety
16 and Occupational Health for Bureau of Land Management,
17 Department of the Interior.

18 MS. CHATMON: Vaneta Chatmon, Program
19 Specialist, OSHA Office of Communications.

20 MR. CHOPLA: David Chopla with Plexus
21 Scientific and the Department of Defense Volunteer
22 Protection Program Center of Excellence.

23 MR. ROGERS: I'm Brian Rogers. I'm also
24 with Plexus Scientific in the DoD VPP CX.

25 MR. TUMBLIN: Bill Tumblin, Director of
26 ESO Programs for Concurrent Technologies Corporation
27 and the Voluntary Protection Program Center of

1 Excellence for DoD.

2 MR. MADDEN: Jonathan Madden, Associate
3 Counsel, Seafarers International Union.

4 MR. DICKERSON: Marvin Dickerson, Disaster
5 Safety Officer for FEMA Occupational Safety and
6 Health.

7 MR. PIERPOINT: Tony Pierpoint, Department
8 of Homeland Security.

9 MS. BYERRUM: Ellen Byerrum, Reporter with
10 BNA.

11 MS. TURLEY: Melissa Turley. I'm a
12 reporter with *Federal Human Resources Week*.

13 MR. KELLER: Burl Keller, Supervisory
14 Safety Specialist with GSA National Capital Region.

15 MR. MARCINIAK: Dave Marciniak, Safety and
16 Health Manager for GSA.

17 MR. POLK: Alfred Polk with GSA.

18 MR. COSSEN: Sean Cossen, Government
19 Affairs Coordinator of the VPP Participants
20 Association.

21 MS. QUINN: Barb Quinn, Contract Support
22 for FAA Headquarters EI Services Group.

23 MR. BASS: Bill Bass, Safety and
24 Occupational Health Manager for the Office of Surface
25 Mining, U.S. Department of the Interior, and home of
26 the Superbowl champs.

27 MS. MOTEN: LaVeeta Moten with Department

1 of Interior Office of Surface Mining. I'm Program
2 Analyst/Collateral Duty Safety Officer.

3 MR. ALDRICH: Robert Aldrich, Office of
4 the Solicitor, Department of Labor.

5 MR. ECK: Steven Eck, Safety and
6 Occupational Health Manager for the Department of
7 Justice.

8 MR. THOMAS: Michael Thomas, Federal
9 Aviation Administration, Office of Environment, Energy
10 and Employee Safety Policy.

11 MR. KAMINSKY: Art Kaminsky, Assistant for
12 Safety, Health and Fire, designated alternate for DoD.

13 MR. GLUCKMAN: Last but not last, Dan
14 Glucksman, International Safety Equipment Association.

15 SECRETARY FOULKE: Great. Thank you all
16 very much, and I appreciate you being here for the
17 meeting. It was interesting -- I'll just kind of give
18 you a little bit of background on myself. Let's see,
19 tomorrow I guess I'll have been the Assistant
20 Secretary for six whole months, so I'm still kind of
21 learning where everything is. But I've been involved
22 with Safety and Health for about 25 years from a legal
23 perspective. And in the first Bush administration,
24 two years in the Clinton administration, I was the
25 Chairman of the OSHA Review Commission, so I have a
26 little familiarity with the federal government and
27 workplace safety involving federal employees.

1 You know, it was interesting. Last week
2 I was in China. I had the opportunity -- had the
3 honor to get invited to come speak at the Chinese
4 Third International Safety and Health Expo. And
5 they're just kind of changing, kind of moving into the
6 safety and health area, but they are very much
7 interested in what they're trying to do. And I met
8 with the government officials from what they call SAWS,
9 which is the State Administration for Work Safety, and
10 this is the organization, I guess, as close as you can
11 get to as a counterpart for OSHA in China. But they
12 are very much interested in workplace safety and
13 health for all their employees and including -- I
14 talked a little bit since I knew I was having this
15 meeting this week -- I asked them a little bit about
16 their open involvement with their government
17 employees, and they said they do take that very
18 seriously and have been trying to work on it.

19 It's interesting to see the comparison,
20 though. I mean they have such a much longer history
21 of civilization than we do. But, you know, OSHA's
22 been in effect now for 35 years. We're celebrating
23 our 35th anniversary this year. And, you know, in
24 talking to the Chinese safety government officials,
25 they're very much interested in finding out what we
26 are doing in workplace safety and health, because they
27 really want to learn from us, and I think this will

1 give us an opportunity, working on this committee,
2 maybe to provide them assistance and information that
3 they can use in making their government employees
4 safe.

5 As a matter of fact, they are talking
6 about coming over and doing an educational tour in '07
7 bringing some of a lot of their governmental officials
8 within their of with them to look and see what we're
9 doing in all areas of safety and health. So it was a
10 very interesting dichotomy there that even though they
11 had a ver old culture, safety and health is kind of
12 new to them, where safety and health, to a certain
13 degree, is new to us in that we've only been doing it
14 really, from the federal perspective, from a federal
15 law and a coordinated law, for 35 years.

16 But I think we have made great strides
17 with respect to workplace safety and health. In 1971,
18 when we were instituted or when we started, there were
19 a little over 14,000 workplace fatalities countrywide.

20 This past year in '05, we had 5,700 approximately
21 fatalities. Now obviously that's a significant
22 reduction, but it's even more significant when you
23 recognize that, in fact, between '71 and now, the
24 number of people in the workforce has more than
25 doubled. But I think you would agree with me that
26 even though we have reduced the number of fatalities,
27 just having one fatality is one fatality too many.

1 And we're going to work very hard to continue to try
2 to reduce that with the ultimate goal of getting to
3 zero fatalities in this country.

4 And we've also had significant reduction
5 in that 35 year period -- we've reduced injuries by 60
6 percent, and we've reduced illnesses by 40 percent I
7 believe. But once again, the idea is still that we
8 have a lot of people that are getting injured on the
9 job and contracting occupational illnesses because of
10 their work. And so whatever we can do here today to
11 help reduce those numbers is a good thing and a very
12 important thing. So I'll say again, I appreciate and
13 I want to thank you again for your participation in
14 the organization.

15 I guess at this time, I'm going to spend a
16 little bit and kind of do some more housekeeping
17 stuff, I guess, is the best way to describe it, about
18 the Council's organization and procedures and how it's
19 organized and how it functions.

20 In your packet, we have the FACOSH
21 Articles of Incorporation, which addresses all these
22 areas. The Council is a 16-member body comprised of
23 an equal number of management representatives of
24 federal departments and agencies and labor
25 representatives appointed by the Secretary of Labor.
26 This Council represents all new members appointed by
27 the Secretary on June 6, 2006 for terms of one, two

1 and three years. These staggered terms are meant to
2 reestablish the continuity of the Council since the
3 terms of the Council members all expired
4 simultaneously about last year. As your membership
5 expires, the succeeding members will be appointed to a
6 three-year term so that one-third of the membership
7 will expire annually.

8 The purpose of FACOSH is to advise the
9 Secretary on matters relating to occupational safety
10 and health of federal employees. As I mentioned
11 earlier, I, as the Secretary designee chairs the
12 Council and will call and preside at all of our
13 meetings. If for any reason, I am unable to attend a
14 meeting, the Vice Chair will act in my absence. The
15 Vice Chair is to be elected under the Articles of
16 Incorporation by the members to serve on an annual
17 calendar year basis. This position will rotate
18 between agency and labor members. The office was last
19 held by a management on the last council, so only
20 labor representatives are now eligible to serve in
21 this capacity. In a few moments, I will take a formal
22 vote to elect a Vice Chair.

23 Because of the unique relationship between
24 OSHA and OWCP, I've also invited Shelby to
25 participate, and as he noted, he is the ex officio
26 member of the Council, as he has done on preceding
27 councils. And you did a really good job, I

1 understand, but, you know, so --

2 MR. HALLMARK: Thank you, sir.

3 SECRETARY FOULKE: We are required to hold
4 at least two meetings each calendar year including the
5 annual meeting. And I am very much committed to this.

6 I know in the past, we've had some problems on a lot
7 of the advisory committees on meeting, so I am very
8 much committed in making sure that the committees meet
9 and that we meet at least the minimum number that
10 we're required.

11 To convene a meeting we must have a quorum
12 of at least six members or alternates with a minimum
13 of three management and three labor representatives.
14 Alternates must be designated by the member, in
15 writing, to me as Chairperson, which we have
16 previously requested from each member.

17 The parliamentary procedures as outlined
18 in the Robert's Rules of Order will be followed at all
19 meetings of the Council. Resolutions require a
20 majority vote by members or alternates in attendance.

21 Is there any question on the make-up of
22 the Council or how it will function by any of the
23 members?

24 (No verbal response.)

25 SECRETARY FOULKE: At this time then, we
26 will elect a Vice Chair, and I would like to enter a
27 motion to nominate W. Corey Thompson, Jr. as the

1 FACOSH Vice Chair. Mr. Thompson represents the
2 American Postal Workers Union AFL-CIO and has been an
3 active member of the Council in the past previously
4 serving a three-year term. Because of his dedication
5 and commitment and proven leadership in the safety and
6 health field, the Secretary has appointed Mr. Thompson
7 to serve a second three-year term on the Council. Mr.
8 Thompson has expressed a willingness to serve in this
9 capacity, and I appreciate you're willing to do that.

10 Are there any other nominees for the
11 position of Vice Chair?

12 Hearing none, I would ask for a vote to
13 say all in favor of Mr. Corey Thompson to serve as
14 FACOSH Vice Chair, please signify it by saying aye.

15 (Chorus of ayes.)

16 SECRETARY FOULKE: All opposed, nay?

17 (No response.)

18 SECRETARY FOULKE: The ayes have it.
19 Congratulations. Thank you very much. I appreciate
20 that.

21 Let the record show that W. Corey Thompson
22 has been elected by the membership to serve as Vice
23 Chair of the Council for the calendar year 2007.

24 If you will turn to the Minutes. All
25 right, the draft minutes of the April 12, 2005 FACOSH
26 commission were previously emailed to you, and one
27 modification was requested. An updated copy of the

1 minutes is included in your packet. Based on a staff
2 review of the official transcript, I attest that these
3 minutes accurately reflect the discussion of the
4 Council at its April 12, 2005 meeting. Therefore, I
5 will entertain a motion that these minutes be accepted
6 as written and incorporating any other changes. First
7 of all let me ask you, are there any changes to the
8 April 12, 2005 minutes by any Council members?

9 Hearing none, then I will entertain a
10 motion from someone to accept the minutes as written.

11 MR. WILLIAMS: So moved.

12 SECRETARY FOULKE: Mr. Williams, okay.
13 Thank you. Is there a second?

14 MR. GONZALES: Second that.

15 SECRETARY FOULKE: Seconded. All in favor
16 of approving the minutes of April 12, 2005, please
17 signify by saying aye.

18 (Chorus of ayes.)

19 SECRETARY FOULKE: All opposed, nay.

20 (No response.)

21 SECRETARY FOULKE: The ayes have it. The
22 minutes of April 12, 2005 have been approved.

23 With respect to program updates, we have
24 seven program matters to discuss today, and the first
25 report we're going to discuss is the GAO Audit on
26 Federal Workplace Safety and Health. In April of
27 2006, the Government Accounting Office, GAO, published

1 a final report on how OSHA can improve its oversight
2 of federal agency safety and health programs. I have
3 asked Diane to talk to you about the GAO findings,
4 their recommendations, the OSHA Statement of Executive
5 Action and Response to their report, and anything else
6 you want to talk about on that. So I'm going to turn
7 it over to you.

8 MS. BRAYDEN: Thank you, Ed. I think many
9 of you are aware that the GAO did a rather extensive
10 audit of the state of worker safety and health in the
11 federal sector. The audit was done because federal
12 Workers' Compensation costs exceeded \$1.5 billion
13 dollars in 2004 with approximately 148,000 new claims
14 filed that year. The audit was initiated due to
15 concerns both for the safety of federal workers and
16 for the costs associated with the unsafe workplaces.

17 This audit, I believe, took place over a
18 period of about 18 months, and in the course of the
19 audit, GAO surveyed 57 agencies and found that most
20 reported having at least some activity in each of the
21 six components generally associated with good safety
22 programs. These components include management
23 commitment, employee involvement, education and
24 training, identification of hazards, correction of
25 identified hazards, and medical management including a
26 return to work program for injured workers.

27 GAO also found that agencies faced

1 implementation challenges in the areas of data
2 management, accountability and safety resources. In
3 the findings of the report, they stated that many
4 agencies do not have automated systems to track
5 employee training, and several agencies did not hold
6 their managers accountable for maintaining effective
7 safety programs. Many agencies also admitted that due
8 to limited resources, they often depend on safety
9 officers with limited professional safety experience.

10 The bulk of the report addressed OSHA's
11 oversight of the safety and health programs and
12 policies in the government. The report alleged that
13 OSHA's oversight was less effective than it could be
14 due to not using enforcement and Compliance Assistance
15 resources in a strategic manner. There were four
16 basic findings that they came out with. First, that
17 OSHA did not conduct a large number of inspections of
18 federal worksites and did not have a national strategy
19 for targeting worksites with high injury and illness
20 rates for inspection.

21 The second finding was that OSHA did not
22 track disputed violations to resolution or refer
23 unresolved disputes to the President.

24 Thirdly, it stated that reports on the
25 status of safety and health that are due to the
26 President each year were overdue.

27 And lastly, it reported that OSHA's

1 Compliance Assistance programs designed to help
2 agencies comply with its regulations and improved
3 safety were not being fully utilized.

4 In summary, the GAO stated that OSHA faces
5 a number of challenges in monitoring federal agency
6 safety programs and, over time, has adapted its
7 methods to try to make the most of its resources.
8 However, OSHA's oversight could be further
9 strengthened if it took a more strategic approach says
10 the GAO. It recommended that the Secretary of Labor
11 should direct OSHA to take certain actions.

12 First, OSHA should develop a targeted inspection
13 program for federal worksites based on the new worker
14 injury and illness data federal agencies are required
15 to collect. They suggested that be done by requiring
16 the agencies to report summaries or relevant portions
17 of that data in their annual reports or by obtaining
18 the data from the agencies through period selected
19 surveys.

20 The second recommendation was that OSHA
21 should track violations disputed by federal agencies
22 to their resolution and ensure that the unresolved
23 disputes are reported to the President.

24 The third recommendation was that OSHA
25 should conduct evaluations for the largest and most
26 hazardous federal agencies as required and to use
27 evaluations, inspection data and annual reports

1 submitted by federal agencies to assess the
2 effectiveness of their safety programs and to include
3 that assessment of each agency's worker safety program
4 and recommendations for improvement in Department of
5 Labor's report to the President.

6 OSHA responded to that report in the
7 following way: We found that several of the
8 weaknesses that were identified in the report had been
9 recognized by OSHA prior to the initiation of the GAO
10 survey and plans for initiating new approaches to
11 enhance OSHA's effectiveness were in various stages of
12 development. Additionally, in some cases, there
13 seemed to be some confusion in the survey results
14 which led to misleading findings.

15 So OSHA responded to the three
16 recommendations for executive action in the following
17 ways: The first recommendation had been to develop a
18 targeted inspection program. OSHA's Office of Federal
19 Agency Programs has been struggling for some time to
20 develop a targeted inspection program directed toward
21 the most dangerous workplaces. We fully recognize the
22 need to do so.

23 The problem is that sources of data for
24 injuries and for workplace employment have been and
25 remain incompatible. This makes the determination of
26 injury rates for individual worksites impossible.
27 Recognizing that there is a serious need for a

1 national targeting program, we have attempted to
2 develop such a program which is presently undergoing
3 departmental review.

4 This program would be based on injury
5 rates at the departmental level or independent agency
6 level, because we do have rates at that level. We
7 simply do not have rates at the individual worksite
8 level. This process would be a short-term fix to
9 carry us over until we find a way to access site-
10 specific injury and employment data making it possible
11 to accurately identify and address the workplaces that
12 are posing the greatest degree of risk to workers.

13 The second gap noted by GAO, which was the
14 failure to track appealed violations, was largely due
15 to misunderstandings. All notices of violation that
16 are issued to federal agencies are tracked in the same
17 tracking system as are the citations that are issued
18 to private sector employers. Therefore, if the data
19 is entered properly into that system, all notices are
20 tracked as to status through appeal and to closure.

21 However, the appeal process for the
22 federal sector does differ from the contest process
23 for the private sector, which apparently led to some
24 errors in data entry. Nevertheless, we did note that
25 we could improve our internal tracking of appealed
26 cases within the Office of Federal Agency Programs,
27 which is the point at which the appealed cases go for

1 OSHA-level resolution.

2 So we have developed an internal tracking
3 system so that as we receive a case on appeal, we will
4 enter the case into that system so we have a very
5 condensed, consolidated database to follow so we will
6 know what we have that we need to be addressing. So
7 we did make improvements there.

8 The third recommendation by GAO was to
9 conduct annual federal agency evaluations. Due to
10 staffing limitations, OSHA has not conducted full
11 scope field evaluations of agencies during the past
12 several years. We will be looking at the possibility
13 of re-instituting agency-level onsite reviews at some
14 time in the future.

15 However, for the moment, we are enhancing
16 our use of other tools at our disposal to address this
17 issue. In this regard, we have been working
18 diligently to increase the staff in the Office of
19 Federal Agency Programs and are pleased with the
20 progress we have made during the passed year.

21 In fiscal 2006, we brought one certified
22 safety professional and two highly skilled Program
23 Analysts. My staff that is present here has already
24 introduced themselves, but Mikki Holmes in the red
25 there and Laura Mills are the two new Program Analysts
26 that we have on our staff, and they have really hit
27 the road running and are doing a great job for us at

1 this time.

2 With this new challenge on Board, we plan
3 to apply a significantly higher level of analysis to
4 the annual reports and where serious deficiencies are
5 identified, they will be addressed and noted in the
6 report to the President as was recommended by GAO.

7 Very shortly, the request for agency
8 annual reports will be sent to the DASHOs of each
9 department and independent agency. You will find the
10 information requested this year considerably more
11 extensive than what was asked for in the past.

12 In addition to requesting the more
13 specific data, including some OSHA 300 summary
14 results, if they are available, we are also asking for
15 agency feedback on certain issues of interest or
16 concern to allow us to begin developing meaningful and
17 practical methods of addressing more fully some of the
18 gaps identified by the GAO.

19 For instance, we will be asking about the
20 manner in which the agency has implemented the new
21 OSHA 300 record-keeping and how that system is
22 managed. Is it an electronic system? What all can
23 the system do? Would you be interested in a common
24 system for all federal agencies for the accumulation
25 of the OSHA 300-type data.

26 We are also asking for information about
27 the agencies' use of volunteers and how the injuries

1 experienced by that subset of employees is being
2 managed at this time.

3 You will be pleased to learn that the
4 annual reports to the President are current at this
5 time. In an effort to maintain the state of
6 timeliness of the annual reports to the President that
7 we have worked so hard to achieve, the annual report
8 request that goes out to the agencies will be asking
9 for your reports to be due by January 1st, which is
10 the regulatory deadline from 29 CFR 1960.71(a)(1).
11 Unless we follow the mandate in the Regulation, OFAP
12 will not be able to conduct the analyses we have
13 committed to while still compiling the report and
14 getting it to the President by our deadline as
15 prescribed in 1960.71(b).

16 In summary, OSHA has been working
17 diligently to use the insight provided in the GAO
18 report to reinforce our support to the federal
19 agencies and to assure the federal employees the most
20 safe and healthful working environment possible. In
21 this regard, you can expect to be asked that more
22 comprehensive and detailed information be provided in
23 your annual reports. Meanwhile, we will be working
24 toward an efficient and effective means of gathering
25 establishment-specific information to be used as a
26 tool in focusing our enforcement and evaluation
27 efforts.

1 SECRETARY FOULKE: Thank you. Does
2 anybody have any -- do any of the members have any
3 questions about the GAO report or OSHA's response to
4 that or anything we're doing on that?

5 (No verbal response.)

6 SECRETARY FOULKE: On thing I know we are
7 trying to look to do more federal worksite
8 inspections, and one of the things that I've
9 instituted among our regional administrators is going
10 to be a flash report which will indicate -- give me
11 pretty much, at least on a monthly basis, the number
12 of federal site inspections that we are doing. And I
13 do have the goal of basically trying to make sure that
14 an appropriate number, at least, of inspections of
15 federal worksites are conducted by our OSHA
16 investigators. So, hopefully, you're going to see a
17 little bit more activity in this area and that that
18 will also be helpful to you.

19 The second report is dealing with the
20 SHARE Initiative, which is the Safety, Health and
21 Return to Employment Initiative, and it goes by SHARE.

22 I think we got a little PowerPoint presentation
23 there. Shelby's going to help me. We've actually
24 done this a couple of times. As you can see, the
25 SHARE Initiative is a federal executive branch
26 initiative which was announced by Presidential Memo
27 back in January 9, 2004. It was intended to go

1 through this fiscal year, and we have requested --
2 both Shelby and myself have made presentations to the
3 Secretary to recommend to the President that the SHARE
4 Initiative be extended for an additional three years,
5 because, as the results that you'll see, I think, are
6 very impressive and demonstrate the worthwhileness of
7 the program or the initiative.

8 As you see, the emphasis is on the Return
9 to Employment programs and it ran through this fiscal
10 year, and it basically establishes four goals, two of
11 which are under OSHA's purview and two are under
12 OWCP's review. The four goals are one, to reduce the
13 total case rates by at least three percent per year;
14 to reduce the lost-time case rates by at least three
15 percent per year. The third goal was to improve the
16 timely filing of injury and illness notices by at
17 least five percent per year, and the fourth goal was
18 to reduce the rates of lost productive days due to
19 injuries and illnesses by at least one percent per
20 year.

21 And the SHARE goals are basically aligned
22 with the President's Management Agenda goals on human
23 capital, and also aligns with the Department of Labor
24 Strategic Goals; one, to foster a quality of
25 workplaces that are safe, healthy and fair and to
26 minimize the impact on work-related injuries. And it
27 aligns with OSHA's mission to promote and assure

1 workplace safety and health and to reduce workplace
2 fatalities, injuries and illnesses.

3 Under SHARE, the Department of Labor's
4 role is first to lead the initiative, also to provide
5 assistance to all federal agencies, then to also
6 measure the performance of each department and agency
7 against their goal, and then to report annually to the
8 President.

9 And going now to basically seeing where
10 we've been tracking the goals here, the first goal, as
11 I mentioned, the number one goal is dealing with total
12 case rates. And as you can see, the baseline for
13 Fiscal Year '03 was about 4.25. In '04, our goal was
14 basically about 4, and we did not meet our goal in '04
15 for the entire federal government. On '05, we
16 basically reached our goal. We were slightly above
17 it, but just basically we were very close to reaching
18 it. And then '06, we actually have, through the third
19 quarter, and based on the initial numbers that begin
20 for the fourth-quarter -- as you can see through the
21 first three quarters of fiscal '06, we are on track to
22 actually meet our goals by a fairly significant amount
23 considering that we hadn't met the goals the last two
24 times.

25 With respect to goal number one, here it
26 is by some, but not all, of the agencies that we have
27 on. And ths is for Fiscal Year '06. As you can see,

1 goal versus actual. And you can see, for the most
2 part, almost all the agencies, all the departments
3 within the government, have met their goals. I think
4 you can see why.

5 One of the reasons we've actually kind of
6 -- actually are going to meet our goal and actually
7 exceed our goal in case rates is the dramatic increase
8 that the Department of Homeland Security has done.
9 They've done a yeoman's job on addressing their
10 issues, and I think they realize that -- they went
11 through a lot of growing pains, and I think we were
12 pretty excited about the reduction there. But you can
13 see where we are, and we're going to keep focusing on
14 all the agencies to continue to reduce it government
15 wide.

16 Our goal number two on lost time case
17 rates, once again, we did not -- we had a baseline of
18 about almost 1.75 in '04. In '05, once again, we did
19 not make our goals. But as you can see for Fiscal
20 Year '06 through the third quarter, and looking at the
21 data we have on fourth quarter, it looks like we will
22 meet our goal federal government wide less the postal
23 service for Fiscal Year '06.

24 Once again, with respect to goal number
25 two dealing with lost time case rates, these are the
26 major agencies for '06 goal versus actual. And once
27 again, you can see we've done a good job of reducing

1 our lost time case rates, but we obviously still have
2 some work to be done. So.

3 MR. HALLMARK: Okay. As Ed said, the
4 third and fourth goals are monitored by OWCP since
5 they focus more on the what happens if injuries do
6 occur side. And it's important -- and I've spoken to
7 this group several times about SHARE -- it's important
8 to keep the two issues linked, because obviously we
9 want to stop injuries, and that's the whole point of
10 the safety program, but injuries will always occur,
11 and it's important that we take care of the
12 individuals and make them whole when they do occur.

13 The goal number three is particularly apt
14 in that regard, but that's focused on timeliness of
15 submission of claims. One of the reasons why my
16 organization really wanted to have this goal included
17 in the Presidential Initiative is to address one of
18 the issues that GAO talked about -- could in fact
19 agencies be inclined to meet the goal by not filing the
20 claims, in effect by fudging the numbers, if you will.

21 This goal focuses on the fact that when a
22 claim, when an injury occurs, you must get the injury
23 notice in quickly and that, I hope and I believe,
24 contrary to anything that GAO may have suggested, has
25 resulted in a tremendous improvement in this whole
26 area. Agencies have gotten their act together, and
27 the data show it. About ten years ago, OWCP started

1 talking with the agencies about the problem of getting
2 claims in timely. At that time, the national average
3 across all the agencies was in the 30 percent range,
4 30, 35 percent. And that's within 14 days. In our
5 day and time, a completely abysmal product.

6 We started talking about that. The
7 agencies started looking at their processes. Many
8 agencies have done a lot of work on this and have
9 reorganized different ways to try to get it done. And
10 once the Initiative has kicked in, you'll see that
11 we've made tremendous progress, and I'm really very
12 pleased about this. We can go to the next slide,
13 Michelle.

14 This breaks it out by the individual
15 agencies, and I would just note here that, again,
16 Homeland Security deserves a tremendous amount of
17 credit for the very substantial improvement there that
18 they've made against the goal in 2006. I believe
19 Homeland Security went to use of the Department's SHIM
20 system, which allows for an electronic submission of
21 claims. And that is a big help in getting these
22 claims in quickly. It's not the only answer, because
23 obviously somebody's got to get that electronic
24 transmission going. But obviously it does help, and
25 several agencies that have gone electronic have
26 improved. The Labor Department uses, of course, it's
27 own SHIM system and continues to be the leader on that

1 particular measure.

2 The lost production day goal is a little
3 bit -- this is my favorite goal, actually. Since I
4 made it up, I like it. But I think the reason why I
5 really like it is because both the safety side of the
6 house can accomplish this goal by avoiding injuries
7 happening in the first place, so you don't lose days
8 if the injury doesn't happen, and the FICA case
9 management side of the house can address it by making
10 that process work well and getting the return to work
11 process going so that people are made whole and get
12 back to work quickly. So it's a really nice metric
13 that shows the integration of those two sides of the
14 house, which don't always talk with each other as much
15 as we'd like.

16 It's also a very difficult goal, because
17 unlike safety, which can address major areas across
18 the board in broad management approach, case
19 management is an individual person-by-person activity,
20 and it really takes hard work and intensive focus.
21 That's why this is, I think, the most difficult goal,
22 and it's one that's clearly been difficult for us in
23 the last three years under SHARE. The first two
24 years, we didn't make it at all. I think in '04 a big
25 part of that shortfall was the startup of TSA and the
26 difficulties that agency had in trying to get baggage
27 moved in airports that weren't designed for that kind

1 of activity. '05 looked a lot better but still short
2 and, again, as Ed indicated, in Fiscal Year '06
3 through three quarters, and we believe this is
4 sufficient margin to carry us through in the fourth
5 quarter as well, we are finally meeting the goal.

6 So that means cumulatively all four goals
7 for SHARE look as if they're going to be met,. and
8 that's a tremendous accomplishment and one for which
9 the folks in this room deserve credit.

10 Just breaking this out a little bit on
11 lost production days by agency. We have a couple that
12 are struggling. DHS is still struggling on this and
13 that, I think, largely goes to the fact that at TSA
14 and a number of the law enforcement entities, it's
15 very difficult to find return to work and make that
16 process happen. It's not impossible, and we're
17 certainly working with DHS, and they've been working
18 with us. But that's a challenge. Justice has the
19 same problem. Bureau of Prisons is the major
20 contributor to their shortfall. Again, a difficulty
21 in finding places for people to go back to work.

22 But most of the agencies are making
23 significant improvements. I'd like to specifically
24 cite the Defense Department, which has really done
25 well in this area and has a very effective program.

26 So that's sort of the rack up of the data
27 and, Ed, if you want to talk about these issues.

1 SECRETARY FOULKE: Why don't you go ahead.

2 MR. HALLMARK: What can DOL -- DOL
3 obviously, as Ed indicated, is the entity asked by the
4 President to monitor and lead the SHARE initiative,
5 and we in OWCP spend a lot of time and effort as we
6 can in our management structure to help on this.
7 First of all, obviously to capture the data that's
8 used to track these accomplishments against the
9 metrics. And in my view, that's job number one,
10 because if you don't know where you are, you can't
11 make improvements.

12 And I think at this time of the year, when
13 we're all sitting down trying to figure out whether we
14 met our GPRA goals and our performance goals for our
15 personal evaluations, metrics become very important.
16 They also can become anxiety producing, but they are
17 the reason why people get better. Because you look at
18 those numbers, and you have a clear understanding of
19 where you're reality is and you need to get better.
20 So we've done that. We've put it up on our Web site.

21 We apologize that our Web site was out of commission
22 for the last several weeks due to some serious
23 security breaches, but it's back up now. Knock on
24 something. And we really encourage everyone to use
25 that data.

26 Obviously, we also do a lot of outreach.
27 OWCP and I know OSHA as well have addressed inter-

1 agency meetings that we convene, FEB meetings around
2 the country where agencies are getting together, joint
3 management union meetings where we can to try to get
4 this word out. Because SHARE and all of these goals
5 are things that I think everybody on both sides of the
6 LMR fence can sign up to and work hard to accomplish.

7 And that is, I think, very important as well, and we
8 feel strongly about that.

9 We do in OWCP, and I know OSHA does as
10 well, workshops on how best to train your folks to
11 address these issues, especially in the difficult FICA
12 area for us. We try to get out and respond to
13 requests from agencies to get these training courses
14 in so that their injury comp folks can be up to speed,
15 and we're continuing working with them on that here
16 through our national office folks and our regional
17 staff. Newsletters, training, ,technical assistance,
18 all of those things are available.

19 Ed, I don't know if you want to or Diane
20 wants to expound on the OSHA side of that.

21 SECRETARY FOULKE: I think we can move on.

22 MR. HALLMARK: The next slide talks about
23 the future. The President's Initiative for 2004
24 through 2006 is over on Saturday. We believe that the
25 progress that was shown in 2006 especially makes it
26 clear that it's appropriate to continue this effort.
27 We have made really good strides, but if you look at

1 the base numbers, they're still not acceptable.

2 We still have a very large number of
3 injuries in the federal workplace, and the lost
4 production days number, which is how many days
5 actually get lost because of workplace injury and
6 illness, per 100 FTD is about 52 right now. That
7 means if you figure we have about 2 million employees
8 covered by this Initiative, that's roughly 1 million
9 lost days every year.

10 One million lost days, I would submit, is
11 way too many, and in our view, that suggests that we
12 need to get this project extended and get those
13 targets out in front of us again so that we can, in
14 fact, make further progress. Ed, do you want to speak
15 to that?

16 SECRETARY FOULKE: Yes. Well, we are
17 definitely going to be -- the Secretary -- like I said
18 earlier, the Secretary had requested -- had made the
19 recommendation to the President to extend the
20 initiative through FY '09 basically maintaining all
21 the 2003 baseline goals. Also, as I indicated, the
22 Secretary has forwarded it to the White House for
23 their consideration. Hopefully, they're going to --
24 we've been pushing very hard. We sent that up a week
25 ago or two, two weeks ago, I believe to the White
26 House and trying to see if we can get it finalized in
27 the White House and approved for the start on October

1 1st of this year.

2 MR. HALLMARK: As Ed said, we're really
3 trying to get this signed off and out to the agencies
4 quickly. Those of you who were around in 2004 know
5 that the Initiative started in January which made it
6 rather difficult to charge ahead in Fiscal Year 2004
7 since most of it was -- or a lot if it was already
8 behind us, so we want to avoid that. We want to make
9 sure that people know that we're moving ahead and that
10 this is, in fact, going to be a continuing
11 undertaking. I suspect most people felt like that was
12 probably going to happen, and I certainly hope that
13 the President agrees that it's appropriate.

14 The only things that we're really doing in
15 terms of changes the goals is we're making a couple of
16 adjustments in goal three and four, primarily aimed at
17 avoiding sort of inappropriate results. In goal
18 three, we're putting sort of a cap on the top, and I'm
19 responding, in part, to my own Assistant Secretary for
20 Administration, who is unhappy that if he has to keep
21 making a 5 percent improvement of 98 percent, he's
22 going to have to go crazy. So we've said 95 percent
23 is an acceptable cap, and I think that's a reasonable
24 outcome.

25 But we're also saying that the 5 percent
26 increase every year is not enough for those agencies
27 that are still down in the 30's and 40's. We're

1 proposing to set a minimum of 50 percent in 2007, so
2 that, in effect 50, percent timeliness is really not
3 that hard, and anything less than that is, in my view,
4 completely unacceptable. And then we would move that
5 minimum up each year.

6 For most agencies, that's not going to
7 come into play, because you're already in the 70, 80,
8 90 percent range now, and that's fine. But there are
9 a few agencies that haven't really focused on this
10 issue, and we'd like to send that signal that getting
11 half of them in in two weeks is really not that hard.

12 With regard to goal four, lost production
13 days; again, a lot agencies that had very low injury
14 rates are going to have a very difficult time
15 continually reducing those injury rates, especially
16 the small agencies that only have a few employees. So
17 we're proposing to set a sort of a base level of
18 performance of 15 lost days as being a, you know, you
19 don't need to get better than 15 lost days and
20 continually improve from a level that's really quite
21 good.

22 So those are the changes. They're really
23 just tweaks to the metric as opposed to anything
24 fundamental. And that's what's on the table now for
25 the President to consider.

26 SECRETARY FOULKE: I don't know if any of
27 the Council members have any questions about the SHARE

1 initiative. As you can see from the data, clearly it
2 has been successful. It is working and doing what was
3 envisioned that it would do when it was implemented.
4 Once again, as I mentioned before, we want to try to
5 continue to move forward on reducing our injuries and
6 illnesses as best we can.

7 And one thing I will say from an OSHA
8 standpoint, is that, of course, we do have a lot of
9 tools and resources that we can help provide to
10 agencies and departments within the government. I
11 really sincerely want to do that. I'm probably going
12 to be sending out a letter to, or maybe the Secretary
13 will, offering assistance to the departments and
14 agencies within the government, whatever OSHA can do
15 to provide that. If you have the opportunity to look
16 on our OSHA Web site, I believe its one of the best
17 Web sites in the government in providing a lot of
18 practical information. We get a lot of complements
19 from the private sector on this. But we want to try
20 to assist and provide whatever resources we can to the
21 agencies to further help them, first of all, achieve
22 their goals, which is important. But the more we can
23 do in just overall reducing injuries and illness even
24 if we didn't have goals, we'd want to provide
25 assistance in that.

26 I don't know if anyone has any questions
27 about that. Yes.

1 MR. BOWLING: I just have a comment. I
2 would like to work with Shelby on the Web site on the
3 way defense is rolled up in goals three and four. The
4 Army, Navy and Air Force are now rolled up in the DoD
5 total, and I just think it would be a better
6 presentation if we do that showing DoD as all of DoD,
7 including the services. So I'll work with you on
8 that.

9 MR. HALLMARK: Certainly a reasonable
10 notion, and I guess we've never done it just because
11 history, but I think you're --

12 MR. BOWLING: Right.

13 MR. HALLMARK: -- I certainly approve of
14 the notion right off the top.

15 MR. BOWLING: Thank you.

16 SECRETARY FOULKE: I would agree with
17 that, because they got guns.

18 MR. HALLMARK: Well, yes, they do have --
19 they have persuasion.

20 MS. BRAYDEN: I believe one of the reasons
21 that sometimes we don't report that all rolled out
22 together is because you're so huge that the number
23 becomes very large and so by breaking it down, we can
24 fit you on the chart with everyone else. But we can
25 certainly take a look at that.

26 MR. BOWLING: Okay.

27 MR. HALLMARK: Well, I take it you're

1 suggesting the summary would be in addition to the
2 breakouts of the --

3 MR. BOWLING: Whatever works. I'm open
4 for discussion. We appreciate just having the
5 conversation.

6 MR. HALLMARK: Sure.

7 MR. BOWLING: Thank you.

8 SECRETARY FOULKE: Yes. And I would note,
9 too, one of the things that OSHA provides to -- that
10 we're trying to do more on with the federal agencies
11 is our Compliance Assistance programs. We have some
12 partnerships, I know, with the Army, and I think with
13 some of the other departments and also our Voluntary
14 Protection Program, the VPP, which basically is a
15 recognition -- is a program where we recognize
16 basically the best of the best.

17 I know we have three naval facilities,
18 shipyards that are in the VPP, and based on the
19 calculations for '05, they have determined that the
20 fact that -- they believe that because of the fact
21 that they were in VPP, that they saved approximately
22 \$2 million dollars last year in Workers' Comp cost,
23 which is a tremendous amount.

24 I know Secretary Rumsfeld has been very
25 interested in moving into this area for the whole
26 Department, not only from a standpoint for money, but
27 also I understood it was an issue of readiness that

1 really piqued his interest in trying to find out what
2 would be the best -- how to get into programs that are
3 going to help reduce injuries and illnesses and,
4 clearly, fatalities. And so I would recommend to you
5 -- and I'm hoping we're going to provide -- like I
6 say, again, we're here to provide assistance.

7 These programs, this Compliance Assistance
8 programs can be extremely helpful and beneficial and,
9 like I say, reduce injuries and illnesses but also at
10 the same time save your agency a fairly significant
11 amount of Workers' Comp. We're just talking three
12 facilities saving \$2 million dollars in Workers' Comp
13 costs. That's a tremendous amount of money.

14 So if you don't know about the VPP or our
15 partnerships in there, then we'd like to talk to you
16 about each. And I think that's something we're going
17 to try to do this coming year, really make a
18 conscientious effort to sit down with every
19 department, every agency in government and talk a
20 little bit about what compliance assistance, what
21 additional things we can do for you so. Any other
22 questions? Yes.

23 MR. NELSON: If you have them, we'd be
24 interested in seeing any of other agency's statistics
25 on '06 through three quarters that weren't listed here
26 on the slides.

27 MS. BRAYDEN: If you access the OSHA Web

1 site, we do have raw number within the OSHA Web site.
2 And then we also link to the ESA Web site, which
3 gives the rates and the goals and who's meeting what
4 goals. And you have access to all the data there.

5 SECRETARY FOULKE: Okay.

6 MR. WILLIAMS: Yes. Just one comment,
7 question. The comment -- we at NASA have embraced
8 the VPP --

9 SECRETARY FOULKE: I'm sorry. You're
10 right. You have. Yes.

11 MR. WILLIAMS: We've got -- several of our
12 centers participate with that program. We've found it
13 very useful, and thank you for that program.

14 The second thing is kind of a narrow
15 question. You may have eluded to the answer, but
16 could you shed just a little light on the challenges
17 within the Department of Homeland Security and why
18 those data are so markedly different. TSA and bag
19 handling, is that the main reason or?

20 MR. HALLMARK: That's a big one, and
21 obviously that's one we've been focusing. It's not
22 the only issue, because you have Border Patrol and
23 other kinds of -- a lot of law enforcement, and
24 recently in the news, Air Marshals. There's a lot of
25 people who are at risk in high-risk kind of
26 situations. The baggage handling, however, is
27 particularly difficult. It brought 60,000 employees

1 in a very short period working in 400 airports that
2 didn't have any kind of real provision for them. And
3 lifting 75, 100 pound bags and twisting and turning is
4 really a prescription for back injuries, and so that,
5 I think, is the major cause for the spike in 2004. I
6 don't know if you wanted to --

7 MR. BATHURST: Yes, there's a couple of
8 things with that. A, as said, we've threw a lot of
9 these -- one of the unintended affects of the
10 establishment of the department was we actually put a
11 lot of hazardous types of occupations together, and
12 the baggage issue, and the TSA screeners, both on
13 passenger lines and in the baggage screening lines,
14 they trend consistent with private sector work.
15 Again, it's the lifting, twisting, turning type of
16 injuries, and we're working, you know, both on the
17 design of the equipment and, you know, how we can move
18 that stuff long, but those are longer term solutions.

19 Plus getting people back to work is a bit of a
20 challenge because of the type of work and the
21 rotations of -- you can't just put someone on an x-ray
22 machine all the time, because you've got to give them
23 a break from that or you're going to end up with other
24 problems.

25 The other thing is with '03 base. It's a
26 little bit of a challenge for us because we came into
27 existence in '03, and it's very hard to match exactly

1 a lot of our components into the base, especially when
2 we were established, a lot of the legacy organization
3 actually got split into multiple organization, so the
4 numbers don't exactly tie to what our current
5 organization is. So probably in aggregate, it's a
6 little bit better, but when we try to break it down
7 internally, it's a little bit harder to track that
8 data.

9 And then, of course, on the law
10 enforcement side, we've got most of the law
11 enforcement activities in the federal government, and
12 I would say some of the most active law enforcement.
13 And my tours on the border, amazing as to how many
14 arrests, apprehensions, gun battles, scuffles, vehicle
15 accidents really in very, very inhospitable
16 environments.

17 You know, we're very happy with the focus
18 we have both on our vehicle work, law enforcement
19 work, our aviation programs, but we can always
20 improve, and we're certainly trying to redouble our
21 efforts.

22 MR. HALLMARK: The fact that the injury
23 rate has gone down is tremendous and obviously, as Ed
24 said, is one of the reasons why we're meeting the goal
25 -- if it's not the primary one. We appreciate that.

26 MR. BATHURST: That's one of the reasons
27 we didn't meet the goal as a government, you know,

1 force, so we try to bring it back.

2 SECRETARY FOULKE: My wife's bag is the
3 one that's marked forklift only.

4 MR. BOWLING: I'd just like to give
5 another commercial for VPP, and I thank you for the
6 kind words on what the Department of Defense is trying
7 to do. We have five installations that have reached
8 the start status and, as you say, we've seen, you
9 know, increases in the number of accidents, in
10 injuries, reduced Workers' Compensation cost, improved
11 the safety culture. And I think we've recognized that
12 as a real key to where we want to go with our safety
13 program in the future. And I want to thank OSHA and
14 their support in helping us do that. At the
15 introductions, you heard three gentlemen introduce
16 themselves as a DoD VPP Center of Excellence, and
17 that's a group that has stood up to help us move
18 forward on VPP in a broader scale in the Department of
19 Defense.

20 We looked at 43 sites in FY '06. We did
21 the GAP analysis and the action plans to kind of get
22 them ready to become part of the VPP program. That
23 included the Pentagon, which I think is a great
24 undertaking. The Pentagon is a huge office building
25 that has all sorts of activities, not only from office
26 space, but it has package handling; it's a heliport;
27 it's got law enforcement; it's got a whole bunch of

1 functions that you normally don't see in an office
2 building plus it's huge. So we think that's going to
3 be, as the corporate headquarters, kind of the
4 keystone of what we want to do in the safety program.

5 In '07, we're probably going to do another
6 40 sites to get them started. And as I said, I think
7 we're looking -- this is really the way we're going to
8 change the safety culture in the Department of Defense
9 and really do the right thing for the people who work
10 in our installations and office buildings.

11 SECRETARY FOULKE: And I would note for
12 those who are not familiar with the VPP program, in
13 the private sector, the companies, the facilities that
14 are in VPP, their lost time injury rates are 50
15 percent below the industry average as a total average,
16 so clearly the proof is in the pudding, and it's
17 there. And I would say, to kind of put a plug for
18 OSHA, we actually have had three sites, three of our
19 area offices are in VPP, so we are walking the walk, I
20 guess, is the best way to say it. As a matter of
21 fact, last night at midnight, I signed our fourth one,
22 the Chicago office, a big area office, is going to be
23 in the VPP, so.

24 The results are actually just tremendous
25 and, like I say, we're here. We have the people here
26 to help you get into that and provide you the
27 assistance, to show you how we can help you get your

1 facilities across the country into the program, so
2 we're happy to do that.

3 Anything else about the SHARE Initiative?

4 Yes, Corey.

5 MR. WILLIAMS: Let me just add, of course,
6 the postal service is very big into partnerships and
7 VPP. I think we have 80 facilities with 78 of them
8 getting star. But from a union perspective, let me
9 just give you a little idea, because I know you all
10 deal with that, is it's been fantastic. We've seen
11 incredible reductions in injuries and injuries that we
12 have seen, we've seen a reduction in lost time. So
13 it's a win/win. And I definitely would say to anybody
14 that has an idea of doing this that I would be happy
15 to talk to you about it from the labor perspective or
16 how you might approach those things. So we've been
17 very happy in coordination with our ergonomics
18 program. We've seen even greater reductions, so it
19 helps your numbers.

20 SECRETARY FOULKE: And we appreciate that.

21 I mean the post office has been really one of the
22 leading forces on VPP in the federal government, and I
23 think they're committed to getting something like
24 34,000 facilities in the VPP. Probably won't do that
25 this year --

26 MR. WILLIAMS: Next year.

27 SECRETARY FOULKE: -- but the following

1 year, they should be close to it, but anyway.

2 MR. HALLMARK: Just as a footnote to this,
3 the total claims we expect to have for this fiscal
4 year will be less than 140,000, which is still a lot,
5 but it's the lowest number since 1973 or thereabouts.

6 So that suggests to me that these programs are
7 working, that SHARE is helping, and this is the second
8 year in a row we'll have like an eight or nine percent
9 reduction, and that's really good news.

10 MS. RODRIGUEZ: A question for Shelby on
11 follow-up with agencies, that you might, you know,
12 qualify as poor performers. What happens? I mean
13 certainly the numbers will show you that, but what
14 kind of follow-up is there from your office or even
15 from OSHA's end?

16 MR. HALLMARK: Well, we have tried to work
17 directly with agencies where we see there are
18 significant problems on lost days and on timeliness.
19 Timeliness is rather difficult, because it's kind of
20 spread. Right now it's now kind of moved to the
21 smaller agencies where it's, you know, we run into
22 people who just, you know, have system problems and
23 other things. I'm open to somebody, you know, to
24 request or suggestions about how to address that, and
25 anybody here from the State Department, we're always
26 looking for improvement on State's results on that
27 score.

1 As far as lost production days are
2 concerned, as I've said, it's a very intricate and
3 difficult goal. And I think it's frustrating,
4 especially in light of the reduction in the total
5 number of injuries that the lost days isn't going down
6 in a sort of lock step. It is going down, but it's
7 not as dramatic. And that really gets to this sort of
8 one person at a time process that is involved in
9 getting people back to work. And, as I said, we
10 provide help. We've talked with TSA, and I believe
11 there's a pilot operation going on about coordinating
12 their efforts with safety people and nurses with our
13 nurse process to try to get the best results. Hard
14 there when you have, you know, these job duties that
15 are really extensive and bump up against somebody who
16 has a surgically repaired back and just can't do these
17 physical activities.

18 So, you know, that breaks you down to a
19 sort of agency by agency, workplace by workplace,
20 person by person effort. And certainly one of the
21 things that I would say today is agencies that think
22 they would like to hear from us, that would like to
23 hear some of the best practices and suggestions about
24 how to do these rather difficult lost -- return to
25 work activities, just give me a call, or, you know, my
26 folks. My number is 202-693-0031, and we'll get you
27 to somebody who can help.

1 SECRETARY FOULKE: Yes?

2 MR. ROWE: Are you taking questions from
3 the participants?

4 SECRETARY FOULKE: Sure. Unless you get
5 out of hand and then --

6 MR. ROWE: Have Michelle drag me off.

7 SECRETARY FOULKE: That's right.

8 MR. ROWE: My name's Louis Rowe, National
9 Park Service, and we only have about 25,000 employees,
10 so we're relatively small. But we have 390 sites
11 geographically located all over the nation, and most
12 of our sites are smaller sites where they're not SES.

13 The superintendent might be a GS-12. And as much as
14 possible, we're shoving the SHARE goals, and we think
15 SHARE is great, and we're putting those goals right
16 down into those performance appraisals for those
17 individuals as well as key staff at those parks.

18 We would love to see the goal language
19 correlate with what the OSHA 300 summary now says,
20 because that superintendent and staff can pull up
21 anytime during the year information out of our
22 electronic system, which is OSHA 300 now. So we don't
23 see recordables, and don't see DART on the SHARE
24 goals. What we see are lost time cases, and we see
25 total incidents.

26 But for my people that are very
27 technically competent, they say you know there's a

1 difference in the way those are calculated. We say,
2 yes, yes, just ignore that. But for those that are
3 less sophisticated, they say, well, I'm being graded
4 on one thing, but I'm looking at something else at my
5 own site, so what does this mean to me.

6 So it would be good to have DART and
7 recordables in the language on the SHARE goals in the
8 future so that as we put those down to those sites,
9 that superintendent, that division chief can look at
10 that and say, yes, that's what we're looking at folks,
11 pull it up for our division, this is where we're at,
12 got to work harder at it.

13 SECRETARY FOULKE: Okay. That's a good
14 suggestion.

15 MR. ROWE: The second thing that we would
16 comment on is that the annual report that will be due
17 January 1st is going to require us to put data
18 together that's -- with an annual year now, a calendar
19 year that closes on December 31st, because we're not
20 longer doing the old record-keeping system. We're now
21 on a calendar year OSHA 300 record-keeping system, and
22 my last OWCP data dump where I correlate my data
23 against OWCP doesn't come in for about a month, month
24 and a half. So I won't have all my data to give you a
25 good report until somewhere around the middle of
26 February. And when we used to have that fiscal year
27 report, that was fine to hit a January mark, but now

1 that we're on a calendar for the OSHA 300 system,
2 that's going to be very difficult for me to give you
3 good data as I still have things coming in from OWCP.

4 MS. BRAYDEN: Okay. In response to that,
5 your annual report is a fiscal year report. It is not
6 a calendar year report. Now we understand that your
7 OSHA 300 data is recorded as an annual year, so when
8 we go out and we ask, we know that we cannot get good
9 OSHA 300 data from all of the departments.

10 What we're going to try to do is find out
11 what we can get and what impediments you have to
12 providing that kind of information to us. It is very
13 important that we get that information at some point
14 in some way, but we have to find out how we can
15 actually accomplish that, and what works for you, what
16 kind of systems you have in place that you can use to
17 get us that data. And with that feedback, then we can
18 develop systems and processes within our office to
19 work with you to get the data that we need so that we
20 can manipulate it and use it in a positive way.

21 MR. ROWE: Well, we're fully on board with
22 you. We want to do everything that we can to make our
23 own programs better. I just wanted to make sure you
24 know that a big piece of that report we won't have
25 until 40 days after you've asked for this report to be
26 due, so just to keep that in mind.

27 MS. BRAYDEN: Okay.

1 MR. ROWE: Thank you very much.

2 SECRETARY FOULKE: Yes.

3 MR. DENNY: Just a cautionary note. I
4 know that everybody's talking about this data and
5 cost, but if you push it down too far, then your lower
6 level managers have a tendency to concentrate on the
7 final data numbers rather than improving the program,
8 and the manipulation of the data becomes the driver as
9 opposed to the outcome, which is why we're, within the
10 VA, are tending to use the data at a national level,
11 perhaps even at an administrative level. But insofar
12 as holding our managers at the facility level
13 accountable, we're looking at performance measures
14 that are in the process area rather than the outcome
15 area.

16 SECRETARY FOULKE: Yes. I know that's
17 something that OSHA's always been concerned about in
18 the private sector about incentives and goals and
19 everything else like that -- are the numbers being
20 somehow skewed or not everything being reported or
21 whatever, because clearly we want to have accurate
22 data, and we want to have -- the intent of the system
23 -- the intent of the initiative is clearly to help
24 reduce injuries and illnesses in the government. So I
25 understand where you're coming from on that, too. Any
26 other questions or any other comments? Okay. Thank
27 you.

1 I think the Secretary has said that she
2 wants to establish a program to formally recognize
3 some of the more notable performance accomplishments
4 of the agencies and meeting the SHARE Initiative
5 goals. And I know OSHA and ESA and OWCP are working
6 together to explore ways to develop such a program,
7 and we're going to keep you apprised as we work
8 through that development process.

9 The next report that we have is dealing
10 with federal agency record-keeping changes. I know we
11 have two more reports that we want to try to get
12 finished before we break for lunch, so our next report
13 is going to be on the federal agency record-keeping
14 changes, and Diane's going to give an update on the
15 status of the changes on the injury and illness
16 record-keeping requirements that took place for
17 federal agencies effective on January 1st of '05.

18 MS. BRAYDEN: Now as you all know, the
19 federal government did adopt a new method of recording
20 injuries and illnesses experienced by our employees
21 that became effective January 1st of 2005, so we're
22 now well into our second year under this new system.
23 This new system is nearly identical to the system used
24 in the private sector. There are a few nuances that
25 are different because of special things that apply to
26 the federal sector.

27 During the past year, a great deal of

1 training and guidance has been provided to assist
2 agencies in their transition. In addition to the many
3 speaking engagements we have participated in,
4 information is posted on the Office of Federal Agency
5 Programs Web page. We hope to update that page in the
6 near future to expand the Frequently Asked Questions
7 regarding the record-keeping and also to create some
8 special links designed to funnel the federal agencies
9 more directly to the guidance that will be most useful
10 to them.

11 On that page, you will also find a link to
12 a video that was produced by the Veterans
13 Administration with OSHA and post office
14 participation. This has been distributed to the
15 DASHOs and the Safety and Health Councils as well as
16 to the OSHA area offices. At this point in time, most
17 of you should be far enough into the change to maybe
18 not need that basic information anymore, but for
19 anyone who feels that they need go back and get a
20 grasp on what the differences are and what actually
21 happened there, you might want to go back and access
22 that video. It is available on the Web site and can
23 be very useful in guiding you through what the change
24 is, why it came about and what the basic differences
25 are.

26 Although the federal and private industry
27 record-keeping regulations are nearly identical, one

1 of the differences has to do with the recording of
2 injuries and illnesses experienced by volunteers. In
3 the private sector, you don't have a lot of volunteers
4 in your workforce. The people who are working for
5 profit-making entities typically are getting a salary.
6 That's part of the deal.

7 With the federal sector it's quite
8 different. We have hundreds of thousands of
9 volunteers that work with us regularly. They work in
10 all different kinds of capacities. Some work even
11 full-time without compensation. Some work in office
12 environments, but others work in the field where they
13 have as much exposure to hazards and injuries and
14 illnesses as our paid employees do. So it's very
15 important for us to make sure that we are tracking the
16 injuries and illnesses that are experienced by this
17 section of employees, and they are employees in the
18 federal sector as defined in Part 1960.

19 MR. HALLMARK: They're also eligible for
20 FICA.

21 MS. BRAYDEN: Right. They're eligible for
22 compensation which is also probably different than
23 what is in the private sector. In the 1904
24 regulations as they apply to the private sector, it
25 specifically states in the preamble that their
26 volunteers will not be included in the record-keeping.
27 In the federal sector, we do need to include them in

1 the record-keeping because in the definition of
2 employee, volunteers are included under all aspect of
3 29 CRF 196, the safety and health programs, and
4 record-keeping is a component of that regulation. So
5 we do need to keep track of the injuries and illnesses
6 to volunteers.

7 Now we are still kind of feeling our way
8 through this, and we are anxious to get feedback from
9 you about how you think that can best be implemented.

10 If there is some way that you think we should be
11 specially tracking them separate from the others or
12 making a notation when the injury or illness is being
13 experienced by a volunteer. This kind of information
14 is important to us, and so this is some of the
15 information that we're asking for in the request for
16 the annual reports from the agencies. We want to hear
17 back from you what kind of experiences do you have:
18 What do you have for volunteers in your workforce;
19 what kind of work do they do; do you have an idea of
20 what the injury/illness experience is with this group
21 of people.

22 We have made some initial inquiries of a
23 couple of the departments to find out what it is
24 they're doing. We are trying to get a sense of what's
25 going on out there, how is this being managed at this
26 point in time. One of the departments that we reached
27 out to was the Department of the Interior, who has a

1 high level of interest in this topic. Jim Meredith is
2 here from the Department of Interior. He has asked to
3 address the Council on this issue. Jim is the SMIS
4 Manager at DOL. Jim, would you like to speak?

5 MR. MEREDITH: Good morning. I'm here on
6 behalf of Kathleen Wheeler, the Interior designated
7 safety and health official, and I appreciate the
8 opportunity to be able to speak with you a few minutes
9 today. I did want to talk to you about this issue,
10 which is very important to the Interior Department,
11 regarding the accounting for and including of work
12 hours specifically for volunteers and the calculation
13 of agency injury and illness rates.

14 I do have a statement here which I don't
15 know if you have that in your packet or not, but I'd
16 like to read it into the record for you. (Reading)
17 The Department of the Interior is the nation's
18 principle conservation agency. Our mission is to
19 protect America's treasures for future generations,
20 provide access to our nations natural and cultural
21 heritage, offer recreation opportunities, honor our
22 trust responsibilities to American Indians and Alaska
23 Natives, and our responsibilities to island
24 communities, conduct scientific research, provide wise
25 stewardship of energy and mineral resources, foster
26 sound use of land and water resources, and conserve
27 and protect fish and wildlife. The work that we do

1 affects the lives and experiences of hundreds of
2 millions of people annually, including visitors, land
3 owners, farmers, ranchers, employers, communities and
4 other stakeholders.

5 Interior is a large decentralized agency
6 with over 70,000 employees located in approximately
7 2400 operating locations located across the United
8 States, Puerto Rico, U.S. territories and freely
9 associated states. Each year the Department attracts
10 some 200,000 volunteers that help care for and are
11 sharing in the stewardship of our public lands and
12 natural resources. They contribute their time and
13 talents to a wide array of volunteer duties including
14 assisting staff with scientific experiments, data
15 collection and clerical assignments. They also serve
16 in many areas of resource management and recreation.

17 We estimate the dollar value of the hours
18 contributed by volunteers in 2005 to be at nearly \$162
19 million dollars, but their value goes much further
20 than that. The volunteer workforce has proven to be
21 an important adjunct to the federal workforce
22 assisting with hundreds of programs and projects.
23 They bring fresh energy and enthusiasm, new ideas and
24 skills that energize us all. Retirees and older
25 volunteers find an outlet for their knowledge and
26 their expertise. Younger volunteers gain job
27 experience. Volunteers come away with a deeper

1 understanding of the breadth and complexity of the
2 Department's mission, and the Department is reminded
3 of the depth of the public support for public lands
4 and our missions.

5 DOI agencies take many precautions to
6 protect volunteers. We include training, personal
7 protective equipment and placement into positions
8 where they are physically and mentally prepared to
9 succeed. Even so, upon occasion, a volunteer is
10 injured while working for Interior. Official
11 volunteers are directly supervised by government
12 employees and are covered under FICA. These volunteer
13 injuries are included in the OWCP injury and illness
14 case totals reported to BLS, and injuries and
15 illnesses are logged at the installation OSHA 300 logs
16 as required by 29 CFR 1904.

17 While Interior agencies with active
18 volunteer programs do compile records of volunteer
19 hours, the Department of Labor does not currently
20 collate or include the work exposure of volunteers
21 when publishing injury and illness rates for federal
22 agencies and for the Safety, Health and Return to
23 Employment, SHARE, Initiative. Since volunteer hours
24 are a significant portion of some agencies overall
25 work exposure, including volunteer accident cases
26 without including volunteer exposure hours results in
27 inaccurate and, we believe, higher injury rates with

1 the implication that the agency's safety experience is
2 worse than it actually is.

3 For example, this is an example of our
4 exposure. In 2005 we had just short of 9 million
5 volunteer work hours, and that amounted to about 6-1/2
6 percent of our combined volunteer and employee work
7 exposure. The National Park Service, it's an even
8 more significant portion in their case, about 5.2
9 million hours, and that amounted to about 12.7 percent
10 of their combined work exposure. So you can see from
11 our standpoint, this has a significant impact on our
12 programs and on any rates that might be reported.

13 While this correspondence represents only
14 the viewpoint of the Department of the Interior, other
15 federal agencies, particularly those with resource
16 management responsibilities similar to the Interior
17 such as the U.S. Forest Service, are facing the same
18 issue. We also understand that other agencies like VA
19 and FEMA have very, very large volunteer exposure.

20 The Department of the Interior requests
21 that the FACOSH ask that the Occupational Safety and
22 Health Administration and the Bureau of Labor
23 Statistics take this issue into consideration. The
24 Department is prepared to take part in any effort to
25 more accurately quantify injury and illness rates and
26 looks forward to the resolution of this problem (end
27 reading). And that is the statement that I have. I'd

1 be happy to take any additional questions. I also
2 have, like I said, Louis Rowe, from the National Park
3 Service and Sandy Guches from the Bureau of Land
4 Management, both agencies which have very large
5 volunteer programs.

6 SECRETARY FOULKE: Are there any questions
7 from the Committee members?

8 MR. DENNY: I noticed in your presentation
9 that you used the term hours worked for calculating
10 your volunteers. Is that true?

11 MR. MEREDITH: We collect on an annual
12 basis -- unfortunately, that's the best we have at the
13 moment -- on an annual basis, we do calculate -- we do
14 collect hours, and we --

15 MR. DENNY: So you calculate the number of
16 volunteers by the number of hours worked?

17 MR. MEREDITH: That's correct.

18 MR. ROWE: We calculate both ways. We
19 know the number of volunteers and the number of hours
20 that volunteers work.

21 MR. DENNY: Because that would be a little
22 bit different than the -- would that be different than
23 the way you are calculating for your employee injury
24 and illnesses since many times federal agencies use
25 FTE as a mechanism and go through OPM to do the
26 calculations?

27 MR. MEREDITH: We are fortunate. Our

1 electronic database allows us to capture employee work
2 hours through our payroll system so that we do know --
3 based on payroll, we know how many hours. So within
4 the Department, we do our injury and illness
5 calculations based on hours of work exposure.

6 MR. DENNY: How do you report that to
7 OSHA?

8 MR. MEREDITH: Well, we track what -- you
9 know, like I said, that's what we have, and I think in
10 our previous annual reports, that's the information
11 that we -- that's how we have reported it.

12 MR. DENNY: You report is as a calculation
13 under hours?

14 MR. MEREDITH: Yes.

15 MS. BRAYDEN: As far as the SHARE program
16 works, because we don't have accurate employment data
17 for volunteers, when we get the OWCP injury and
18 illness data, we subtract out the injuries and
19 illnesses that were experienced by volunteers, so that
20 data is based only on paid employees. And the reason
21 for that is the employment data issue.

22 MR. MEREDITH: Okay.

23 SECRETARY FOULKE: Anything --

24 MR. DENNY: Just to continue on. I'm
25 sorry. I'm just trying to figure out how this is
26 going to -- do you calculate them out separately
27 insofar as whenever you report volunteers versus

1 employees or do you mix them?

2 MR. MEREDITH: To be honest with you, I
3 don't really have an answer for that. To the best of
4 my knowledge -- I mean we would like to report them.
5 Obviously, we feel that because -- in a general rule,
6 we don't want to put volunteers perhaps in some of the
7 more hazardous environments that we may perhaps have
8 some of our full-time employees in. You know, if we
9 included those, it does, you know, from an accounting
10 standpoint, it makes our organization rates look
11 better. But again, that's not what it's really all
12 about.

13 MR. GALASSI: Jim, as you well know, from
14 a safety and health perspective, the OSHA record-
15 keeping system, one of its big purposes is so that the
16 site safety and health person has that information so
17 that they can use it as a form of hazard
18 identification. And I think you just said that -- is
19 there an effort to make sure volunteers are not in the
20 more hazardous types of activities? Are there hazard
21 assessments they do to ensure that they're lowered
22 hazard jobs or things of that nature? Because it is a
23 very important tool to identify where the hazards are
24 and what actions to take.

25 MR. MEREDITH: I think that's a case of
26 the journal. I may defer that question back to Sandy
27 or Louis who are more directly --

1 MS. GUCHES: Sandy Guches with BLM. At
2 least for our Bureau, we have a volunteer manual that
3 states specifically what volunteers can and cannot do,
4 and they are not allowed to do things like fight wild
5 land fire or do hazardous materials and hazardous
6 waste kinds of activities. And there's, you know, a
7 list of those things. And we train our managers and
8 supervisors and volunteer coordinators accordingly.

9 And Bureau of Land Management has been
10 heavily involved in risk management in the last few
11 years, and risk assessments are completed for these
12 kinds of jobs. And so we do train our employees and
13 our volunteers exactly the same way, but our
14 volunteers do not do hazardous duty in accordance with
15 our policy. And even the OPM definition of hazardous
16 duty, they are not part of that.

17 The one thing that is important to know is
18 that the volunteers, they often don't have a regular
19 schedule of work. There might be, you know, 100
20 volunteers for this trail building or this trail
21 cleaning, so it's really hard to use a calculation.
22 It's important, I think, to use the hours that they're
23 actually working for us because of the way that we
24 utilize them -- campground host for a month in one
25 place. They might move over to a forest service
26 campground in another area.

27 MR. ROWE: The Park Service has a

1 multitude of sites, 390 sites now, and we have a full
2 range of exposures for our employees. And we don't
3 prohibit volunteers from doing many of the jobs in the
4 parks, but we do match the volunteer age, skill,
5 experience, physical condition, mental condition,
6 situation awareness to the job.

7 Now I'm not handing a pistol to a
8 volunteer and saying you're working a border patrol
9 park now, and you'll be stopping drugs coming across.

10 But that same volunteer might be getting into a
11 helicopter to do part of an animal study with three
12 scientists, the helicopter crashes, we lose four
13 people. So we try not to put volunteers in hazardous
14 situations, but as soon as you get off the road in a
15 park like Yosemite in the wintertime, you may be in a
16 situation that's hazardous even though we have
17 hundreds of thousands, or in this case literally
18 millions, of visitors that do the same thing.

19 So we assess the hazards, Tom, but we are
20 not always able to say we can't expose every volunteer
21 to every hazard, because there could be a moose right
22 next to the superintendent's office that is in rutting
23 season and gores a volunteer that's walking in to
24 deliver the mail, and those kinds of things happen.
25 But we do assessment as much as possible, and we try
26 to match the volunteer to the job.

27 SECRETARY FOULKE: Okay. Thank you. Any

1 other comments.

2 MR. HALLMARK: I had just a quick comment.

3 I assume the way the SHARE system works is that FICA
4 claims are identified as volunteer and that OSHA
5 withdraws them from the counts, so that you're injury
6 rate is only figured on your actual government FTE.
7 Obviously, I applaud, and we talked a little bit
8 earlier about the question of inappropriate
9 incentives, and I applaud the notion of making sure
10 that volunteer injuries are being tracked and that
11 safety activities are being directed in their way.
12 And I know that as the Director of OWCP, from time-to-
13 time, I'm made aware of new groups of volunteers that
14 are added by one agency or another. Recently the
15 Commerce Department -- I don't know if there's from
16 anybody from there now here -- added a very large
17 component of volunteers, boaters, who are involved in
18 documenting situations with respect to water levels
19 and so on. They're out there not in a federal
20 worksite, presumably not frequently managed, not
21 supervised. So that's a challenge that agencies have
22 to make sure that, in fact, there is a program, that
23 somebody's paying attention to it, and that when
24 injuries occur, somebody takes care of them.

25 SECRETARY FOULKE: Did you have a
26 question?

27 MR. DICKERSON: More sort of a comment.

1 Yes. My name is Marvin Dickerson with FEMA, and
2 because this kind gentlemen evoked our agency name, I
3 thought it was appropriate -- the fact the volunteer
4 issue is a national issue. It is an issue where you
5 surely don't want to defeat a person's volunteerism,
6 but at the same time, obviously there has to be some
7 standards or some guidelines established for that. In
8 FEMA, we have an agency called VOLAG in which we try
9 to filter people through but is indicative of
10 Hurricane Katrina -- there's a disaster that I just
11 come back from New Orleans -- actually worked down in
12 Louisiana for the last year -- the number of
13 volunteers are overwhelming.

14 And so I'm thinking that maybe perhaps at
15 this forum, it might be an excellent place to talk
16 about maybe OSHA or some other agency chairing a
17 national -- to spearhead a national effort to start
18 making sure that volunteers who do volunteer for
19 various agencies understand that there are certain
20 prerequisites that are needed for them in terms of
21 safety equipment and safety protocol when they get
22 into a disaster or get to an area like the Department
23 of Interior. Because when people really want to
24 volunteer to do something, they're doing it out of the
25 goodness of their heart or out of patriotism or
26 whatever, and you certainly don't want to stymie that.

27 But I found out -- or at least I've

1 learned down in the New Orleans during the initial
2 phases of Hurricane Katrina -- that people were
3 streaming in in droves, and they were determined to
4 want to add value to the process, but they were not
5 prone to want to hear or listen to any kind of
6 guidelines talking about the safety equipment that you
7 may need or the safety way in which you need to
8 address certain issues. And so there were some people
9 who were turned back and some people who were filtered
10 to VOLAG.

11 But I think that the country probably
12 needs to make sure that whenever an event occurs or a
13 disaster where volunteers are headed to, that the
14 country, if it's an incident of national significance
15 or a major incident, that somewhere we need to have
16 some vehicle to let the volunteers know that we really
17 appreciate them participating; however, there are some
18 very important things that they have to do before they
19 get there, whether it's a hurricane or whether it's
20 volunteering to go into the national parks.

21 I don't think that we have the national
22 capability to look at volunteers without stymieing
23 their interest at the same time helping them to
24 understand that they're volunteers and could also add
25 to injury to themselves. And we surely, in my
26 organization, we couldn't go out and address the
27 volunteers, those that were not going through VOLAG,

1 but yet they were adding value to the process. And I
2 think volunteerism in this country, especially during
3 the last couple of years with the hurricanes in
4 Florida and then this Katrina thing, was up very high.

5 But yet you find people wanting to make the John
6 Wayne entrance, if you will, and they're not concerned
7 about the need for understanding the safety issues
8 that may be prevalent there.

9 And so then when you start looking at the
10 record-keeping issue, it becomes another problem
11 because if you're not going to get them to adhere to
12 the principles or the tenets of what constitutes being
13 in an area and being safe, then surely, you know, you
14 start looking at how does that impact your Workers'
15 Comp or how does that affect your program overall.

16 I think my suggestion basically is that maybe
17 perhaps there should be a national effort to talk
18 about volunteerism in general and set some established
19 guidelines on what volunteerism is, especially if it's
20 in an area where they'll put themselves in harms way.

21 SECRETARY FOULKE: I would note on that
22 issue, we actually had some frustration as an agency,
23 because we had a number of grants that were given,
24 emergency grants, training grants that were given
25 specifically to help train workers in Louisiana and in
26 the Gulf region. And the grants are written such that
27 it talked about training of employees.

1 And basically, as I understand it, we
2 actually have gotten a legal opinion on this thing and
3 said, no, employees are employees, they're not
4 volunteers, and, therefore, they were precluded from
5 technically receiving that training. As I understand
6 it, basically what we did was we would hold training
7 courses for employees, and if some other people
8 happened to walk in, we weren't going to throw them
9 out.

10 But that just shows you right there, once
11 again, we were limited on -- because there were a lot
12 of volunteers that wanted to receive safety and health
13 training and how to handle -- to recognize the hazards
14 that they were going to be placed in. So it is a
15 problem and something we probably need to do, have a
16 serious look at how we can address the whole across
17 the board issue.

18 What type of training do you do with your
19 volunteers when they come up? Do you do safety and
20 health training for them or?

21 MR. MEREDITH: I think to a large degree,
22 we probably provide much of the -- similar training
23 that we provide our regular employees. Again, I might
24 defer if you guys have any additional comments, but I
25 think we provide them with a general orientation that
26 we would provide any new employee. We would include
27 them in any of our ongoing safety and health training

1 we provide employees ranging from some, you know,
2 training specific to an activity that they might be
3 involved in to perhaps even being involved in the
4 regular employee toolbox meetings, safety meetings,
5 any orientation and training that's provided for any
6 special activities that they might be involved in,
7 including, you know, activity hazard analyses and
8 things of that nature. So to my knowledge, we provide
9 them much of the same, if not the same training that
10 we provide our regular employees.

11 MS. BRAYDEN: This is all the type of
12 information that we knew that we need, and we
13 recognized that particularly FEMA would have some very
14 different volunteer issues than say the Smithsonian or
15 the IRS that may have people assisting with people
16 doing their taxes. So the type of volunteerism out
17 there is far reaching and very much varied. And so
18 that's why in the annual request for the agency annual
19 reports, we want this kind of feedback so that we can
20 understand more fully what the challenges are for the
21 various agencies out there, and then find a way to
22 work through this issue and work through it with you,
23 so. Thank you very much.

24 MR. MEREDITH: We certainly appreciate
25 that. Like I said, it's an integral and a growing
26 part of our work accomplishment and mission
27 accomplishment, and we're looking forward to providing

1 you input in the annual report and also to working
2 with you to help better address this issue. Thank you
3 very much.

4 SECRETARY FOULKE: Thank you.

5 MS. BRAYDEN: Thank you.

6 SECRETARY FOULKE: Do you have some other
7 comments?

8 MS. BRAYDEN: While we're still on the
9 area of record-keeping, I did want to also speak a
10 moment about the issue of OSHA 300 data collection.
11 This is an issue that definitely needs to be addressed
12 and was not initially taken on when the record-keeping
13 requirements were changed. The GAO, as I have noted,
14 has already strongly and appropriately recommended
15 that this data be used to identify hazardous worksites
16 and to assure that these most hazardous worksites
17 receive the proper attention and assistance from OSHA
18 necessary to protect their employees.

19 The GAO had recommended that we either
20 request this data through the medium of the agency
21 annual report or through special periodic surveys. As
22 has already been pointed out, it's difficult to get
23 that data with the annual report because of the
24 timeframes. The annual report is done on a fiscal
25 year basis. The OSHA 300 data is collected on a
26 calendar year basis. So there is a bit of a
27 disconnect there. I'm not certain that that will be a

1 very effective way of getting timely data unless we
2 back off nine months before -- you know, if we get it
3 a year late.

4 The periodic survey suggestion might be
5 workable if we can find a cost effective and efficient
6 way to do that.

7 Other ideas have been put forward about
8 developing a database that could be made available to
9 the various agencies whereby we could collect -- they
10 could manage their OSHA 300 data concurrent with their
11 OWCP claims filing. There a number of such systems
12 out there now. The Department of Labor has the SHIMS
13 system that does this sort of thing, and some of the
14 other major departments have also developed electronic
15 systems for their own departments where they enter
16 their injury data, it is also funneled into a system
17 to do the OSHA 300 record keeping.

18 We've had a number of parties approach us
19 on this. Some are private entities that would like to
20 have a contract to develop such a system. Some are
21 existing systems. And then we've also ben approached
22 by various internal organization such as NIOSH and BLS
23 who believe that with some of the software that they
24 already have in place and which they are using to
25 manage this type of data for the private sector, that
26 perhaps we could use this -- we'd have to do some
27 additional development -- but use this to collect the

1 federal data as well where we could come up with data
2 that is establishment specific, with establishment
3 being under the definition of OSHA's establishment
4 which is different than sometimes how agencies report
5 to OWCP. And we can get their injuries and their
6 employment data together, understand where that
7 establishment is and then actually use that in a way
8 like we do for the SST program for the private sector.
9 So that's something we're looking at.

10 And in the request for the annual report,
11 we're going to be asking you there also, what do you
12 think of this; would such a system work for your
13 agencies; do you have an opinion about that. And then
14 with your feedback, we can take that into
15 consideration as we move forward to try to figure out
16 how it is we can move forward to collect the data that
17 we absolutely need to have.

18 And that's about all I have on record-
19 keeping unless someone has a comment on the OSHA 300
20 data collection issue.

21 SECRETARY FOULKE: Okay. Thank you, Diane
22 and Jim. I appreciate your presentations. I see it's
23 noontime. I think since we've been meeting for two
24 hours, it would probably be a good time to take a
25 break for lunch. Would 1:15 be enough time for
26 everybody to do what the need to do and eat also and
27 whatever. Well, we'll just stand adjourned --

1 recessed until 1:15 and return to here. Thank you.

2 (Whereupon, off the record for a lunch
3 recess.)

4 SECRETARY FOULKE: I'm going to reconvene
5 the FACOSH committee meeting. Our next report is on
6 federal agency training. As some of you may know, or
7 maybe all of you will know, each year the OSHA
8 Training Institute sets aside a week of training
9 dedicated exclusively for training federal agency
10 personnel, and I've asked Diane to kind of give us an
11 update about the federal agency training week.

12 MS. BRAYDEN: Thank you, Ed. As reported,
13 the GAO audit, many agencies admitted that they depend
14 on safety officers with limited professional
15 experience as a result of their limited resources. IN
16 addition, there is a very wide use of collateral
17 safety officers to support the safety programs
18 overseen by the few full-time professional safety
19 officers on staff. There seems to be a well-
20 recognized need to enhance the skills of the personnel
21 in the field that can make a real difference in our
22 safety and health programs on a day to day basis.

23 OSHA makes a Web based collateral duty
24 course for other federal agencies, course number 6000,
25 available to federal employees from all agencies free
26 of charge. The duration of this course is 23 contact
27 hours broken up into one hour segments on a wide

1 variety of topics, some of which address discrete
2 types of hazards and others which provide foundation
3 and administrative safety topics such as the OSHA Act
4 and Standards and how to conduct inspections and write
5 inspection reports.

6 It is essential that the collateral duty
7 personnel complete this course to provide them with at
8 least a limited background to pursue their collateral
9 duty safety and health duties. However, for the use
10 of the collateral duty safety officers to be truly
11 effective, additional training is needed.

12 As you probably know, OSHA has been
13 setting aside the one week each year at the OSHA
14 Training Institute specifically for training federal
15 employees who are involved in safety and health
16 activities. In the past, this event was held in June
17 and afforded federal employees an opportunity to take
18 one 3-day course on a single topic. These courses
19 were fairly in depth and provided a good background on
20 the topic area that the student was studying.
21 However, this format may not have been ideally suited
22 to the collateral duty officers who need training over
23 a wide variety of topics rather than a very in depth
24 study of a single topic area.

25 In an effort to assist the agencies in
26 preparing the collateral staff to be effective in
27 their roles as on-site safety and health monitors,

1 OSHA is offering training week this year from Tuesday,
2 November the 16th through Thursday, November the 18th
3 with what we believe will be a new and improved
4 format. We will now be offering a menu of half-day
5 courses over the three days providing students an
6 opportunity to select up to six seminars of interest
7 from a wide variety of safety topics. That's six
8 topics per person. The seminars will be provided on
9 12 topics covering general industry safety,
10 construction safety and industrial hygiene areas.

11 The courses or seminars that we offer will
12 include respirators, emergency response, general
13 construction, demolition, scaffolding, electrical
14 safety, fall protection, ergonomics, fire protection,
15 lockout-tagout, safety and health management and
16 introduction to industrial hygiene.

17 Four seminars will be offered concurrently
18 during each half-day period, and each topic will be
19 offered twice during the week making it easy for the
20 students to schedule a combination of courses best
21 suited to their individual needs. The announcement
22 for this training week opportunity will be coming out
23 hopefully within the next few days, and the courses
24 are offered free of charge, and course registration
25 will be completed online making it very convenient.

26 Again, there is no cost for these courses.

27 The agencies would pay travel costs, but we think

1 that by providing a wide variety of topic areas that
2 the agencies may find this training to be more cost
3 effective, because the collateral duty officer will
4 get training for six topics during the week rather
5 than just one.

6 Are there any questions about that?

7 MR. NELSON: Any costs?

8 MS. BRAYDEN: There's no tuition fee.
9 Only travel costs would be covered by the agencies.

10 VICE CHAIR THOMPSON: Are the courses
11 geared towards introductory type courses, or are they
12 geared towards those that may have some experience in
13 the fields or?

14 MS. BRAYDEN: It would be expected that
15 the student would have had the basic collateral duty
16 course so that they would have a basic foundation.
17 These are condensed versions of the full scope, the
18 full size OSHA courses that are usually -- they'd
19 condense them down into shorter periods.

20 SECRETARY FOULKE: Yes.

21 You might want to say your name again just so it will
22 be on the record.

23 MR. ROWE: Louis Rowe, National Park
24 Service. Thank you so much. That sounds like a
25 brilliant concept, and we would love to take advantage
26 of that. How about we take that out to the ten
27 regional offices over a year? We'll even chip in

1 funding.

2 SECRETARY FOULKE: Did you get that on the
3 record?

4 MR. ROWE: We are all over the nation, and
5 it's hard to bring everybody together in one place
6 like that, but if we could do that in ten regions over
7 the course of a year, that would be extremely
8 valuable. Just a thought.

9 SECRETARY FOULKE: That's a good thought.
10 We'll see if we can work on that. Okay.

11 MR. GALASSI: Interesting, Louis, as you
12 say that, we, I guess, you know, following up on the
13 GAO report and to start looking at our offering of
14 training, we are starting to explore, and it's just
15 very exploratory, what opportunities there are to
16 expand on collateral training and that kind of model.

17 And I understand some of the agencies such as the VA
18 have some ongoing laudable training for collateral
19 duty, and actually it's sponsored by AFDE that they
20 put on once a year. They train about 250 to 300 of
21 their employees. And we participate formally every
22 year. And I don't know if there are other agencies
23 that do something like that, but it certainly is an
24 area that I think all agencies need to focus on. And
25 OSHA will provide assistance, you know, where we can.

26 MR. ROWE: We've been using distance
27 learning technology, satellite broadcast uplinks, that

1 type of stuff. We reached about 5500 people last year
2 with safety classes that range from two to six hours
3 in length. There are sometimes technical difficulties
4 with making a class like that last too long, but we
5 would love to take advantage of OSHA resources,
6 broadcast those everywhere, and those are digital
7 signals. They can also be turned into analog signals,
8 so that anybody that has a receiver can receive that
9 type of signal at distance type events and worksites
10 all over the nation, including places like Joe's Bar
11 in Montana which we once used as a training site and
12 sent a signal into so that BLM and Forest Service and
13 Park Service could get training in that remote site.
14 But we would love to maybe talk about collaborating
15 where we could share resources like that, get some
16 expertise, and the broadcast those. And we also turn
17 those into DVDs so that sites that cannot get access
18 to the training can still have a DVD and use that part
19 of safety committee training or collateral duty
20 offline-type training. Difficulties in controlling
21 who participates, in keeping track of who used it, but
22 there might be ways that all of the agencies could
23 make better use of some of your people.

24 SECRETARY FOULKE: I like that. Yes,
25 that's a good idea. Okay. Thank you. Any other
26 questions or comments? All right. The next report is
27 on pandemic flu, and I'm sure you're all aware that we

1 have a new national effort involving OSHA and its
2 federal and state partners involving pandemic flu.
3 Working through the leadership of the White House, the
4 federal agencies are prepared for effective,
5 coordinated response to a possible flu pandemic.

6 For nearly a year, OSHA has been examining
7 workplace safety and health concerns related to that.

8 Committees of OSHA employees have developed a group
9 of guidance documents that focus on recognizing and
10 combating the hazards of a pandemic in the workplace.

11 These documents, which will be published very soon,
12 will suggest changes in the workplace in the private
13 sector and government that can reduce the spread of
14 influenza. These guidance documents will also
15 recommend procedures that employers can put in place
16 to continue to operate during a pandemic. Naturally,
17 protection of federal employees and continuing federal
18 government services is of paramount importance.

19 We have with us today, I think, probably
20 the two top experts at the Department, Suey Howe,
21 from the Department of Labor's Office of Assistant
22 Secretary for Policy and Jennifer Silk who is the
23 Deputy Director of OSHA's Director of Standards and
24 Guidance to speak on this topic. So do you want to
25 take it away.

26 MS. HOWE: Thank you Assistant Secretary
27 Foulke. My name is Suey Howe, and I'm the Deputy

1 Assistant Secretary for Policy at the Department of
2 Labor. The Policy Office in Labor has been
3 coordinating the Department's involvement in a
4 coordinated, planning and response to address pandemic
5 flu. We're working closely with the Homeland Security
6 Council. We're also working closely with colleagues
7 at HHS, CDC, the VA, Department of Education, DHS,
8 USDA, Commerce, Treasury, you name it. It is truly a
9 coordinated and government-wide effort.

10 My comments will be brief. They're going
11 to focus on some contacts, providing some contacts and
12 also emphasizing the importance of planning to ensure
13 that federal employees are protected and that
14 continuity of operations continues in the event of a
15 pandemic.

16 First, as background, it's important to
17 understand the different types of flu that can be
18 discussed. Seasonal flu is an annual event. People
19 get flu shots. About 36,000 Americans die each year
20 from the seasonal flu.

21 Avian flus are also normal events.
22 However the H5N1 variety of the avian flu is of great
23 concern, because it's very lethal and causing death in
24 poultry populations and wild bird populations around
25 the world. It has infected humans who have close
26 contact or direct contact with infected birds. So
27 there's great concern could that avian flu, the H5N1

1 mutate to become easily transmissible between humans
2 and lead toward a pandemic.

3 A pandemic is, of course, a global disease
4 outbreak. It's an influenza, in the case of flu, that
5 would cause more severe disease and spread widely
6 across the globe. The critical aspects of a pandemic
7 flu are that it's a new virus, the population has
8 little or no immunity to it, which is why it spreads.

9 There are so many people who are susceptible to it.
10 There is no vaccine, and it causes serious illness and
11 death. And because it's easily spread person-to-
12 person, it can span the globe, cross the country in a
13 short period of time.

14 Now this slide shows a comparison. We've
15 had three pandemics in this century. Not all
16 pandemics are of equal severity. It could be a mild
17 or moderate pandemic. In here using moderate disease
18 transmission modeling and looking at past pandemics,
19 there's an estimation that 30 percent of the
20 population would be affected. And if it was a mild to
21 moderate pandemic, like 1957, the potential deaths in
22 the United States would be 200,000. However, if it's
23 a severe pandemic along the lines of the 1918
24 pandemic, you could approach 2 million deaths.

25 Most of the federal planning efforts are
26 focusing on the severe pandemic, because not only
27 would it cause a significant amount of illness and

1 death, but significant disruptions to our economy and
2 to our lives. Next slide please.

3 And this again is another slide focusing
4 on the severe pandemic. The CDL estimates that 4.75
5 percent reduction in the U.S. GDP could result from
6 such a severe pandemic. Implications for a severe
7 pandemic, I'm sure many of you have read about or are
8 hopefully incorporating in your planning as
9 departments are preparing, is the fact there would be
10 extensive absenteeism. Forty percent is the number
11 that's given. That's anticipating not only those who
12 are sick themselves, but are home caring for sick
13 members of their family or staying home due to fear
14 and are afraid to go to work.

15 Essential services may be disrupted, in
16 part because of the absenteeism in their own work
17 places. The healthcare system could be overwhelmed
18 exceeding its surge capacity. Banks, stores,
19 restaurants would all have to alter their operations
20 to make sure that they're not providing opportunity
21 for the disease to spread across their workforce and
22 with their customers. And transportation and food
23 deliver and other essential services could be
24 disrupted.

25 Social distancing is an important strategy
26 that's being discussed. School closures would be
27 likely for certain durations. Large gatherings,

1 community meetings and gatherings would also be
2 discouraged, all in an effort to tamp down the virus,
3 to reduce the number of people who become ill, and
4 also as a means of making sure we can sustain our
5 economy and protect individuals during a pandemic.

6 As I hope you're all aware, in response to
7 the potential threat of a pandemic, the President
8 released on November 1st, 2005 the national strategy.

9 It was a general overarching document, but an
10 implementation plan was released on May 3rd. That got
11 into greater detail with over 300 actions specifically
12 tasked to federal agencies and departments. As we'll
13 discuss later, 24 of those actions the Department of
14 Labor has a direct role in, 19 of which are being
15 headed by OSHA.

16 Also within the pandemic implementation
17 plan, it flushes out the strategy. It talks about the
18 development of departmental plans, and it assigns
19 responsibilities for carrying out the actions within
20 it. It also communicates expectations for all
21 stakeholders at the state and local government level
22 and the private sector for families. Critical
23 infrastructure is a very important part of the
24 preparation as well.

25 Again, I'm focusing here on department and
26 agency planning. Approximately 67 departments and
27 agencies should be well on their way to developing

1 plans, Chapter 9 in the implementation plan and
2 Appendix A provide guidance and details to aid in that
3 planning. Department plans are supposed to focus on
4 four key objectives: protecting employees during a
5 pandemic, sustaining essential functions during times
6 of significant absenteeism, supporting the overall
7 federal response, and also communicating to
8 stakeholders during a pandemic, and also
9 communications to stakeholders in advance of a
10 pandemic to help with preparations.

11 Now key planning assumptions, again, I
12 mentioned the 40 percent earlier. It is anticipated
13 up to 40 percent of absenteeism during the two peak
14 weeks of a pandemic, lower levels on the weeks on
15 either side. Each wave of a pandemic could be six to
16 eight weeks. There could be multiple waves such that
17 the disruption could span over a period of several
18 months. For pandemic planning purposes within the
19 federal government, we're assuming that essential
20 services and functions are likely to be broader than
21 what you would do during a 30-day or less COOP event.

22 Now I wanted to point out some guidance
23 that's been provided to federal agencies and
24 departments. FEMA issued a -- excuse me -- there's a
25 memo with guidance where it took the 11 COOP elements
26 and mapped them to a pandemic scenario showing where
27 you might flush things out differently or flush things

1 out differently, and that was released in March 2006.

2 Also, I mentioned Chapter 9 and Appendix A of the
3 implementation plan also provide guidance to aid
4 federal agencies and departments in their planning.

5 And then FEMA issued a survey in July that
6 had specific planning elements, and they asked each
7 department to review their own plan and complete the
8 survey to sort of benchmark how we were doing in our
9 planning and also to encourage consistency across the
10 government. Then FEMA in September had six exercises
11 called determine accord.

12 There are train the trainer courses. One
13 hundred and eighty federal employees participated.
14 Six courses were in the Washington or national capitol
15 region. There since has been a course, I believe, in
16 Philadelphia and New York, and it's also going to go
17 to the West Coast, and that training is also going to
18 be pushed out through CDs. The goal there is, again,
19 train the trainer so that people go through the
20 exercise and then can go back to their own departments
21 and agencies and help use that exercise to review
22 their plans, seeing how comprehensive they are, seeing
23 if they've anticipated different contingencies that
24 they need to be prepared for, and also it's a great
25 opportunity for cross-pollenization, because you have
26 people from different departments and agencies can
27 come together and share how they've overcome different

1 challenges.

2 There's also a draft checklist that was in
3 Clearance in September -- hopefully, it'll be released
4 shortly -- which builds upon the earlier FEMA survey.

5 It was an interagency effort developed with input
6 from the Department of Labor, Office of Personnel
7 Management, HHS, DHS, again, looking at the 11
8 elements of COOP planning and focusing on things like
9 human capital, telework, personal protective equipment
10 and those type of things where agencies had additional
11 insights and guidance to bring to bear. It's a
12 general document, but it does acknowledge where
13 further guidance will be provided.

14 Also, at the six month mark, six months
15 from the issuance of the implementation plan, which
16 would be November of 2006, that's when a number of the
17 300 actions come due. There's additional guidance
18 that would be available to federal agencies and
19 departments at that time.

20 Here are some Web sites that I thought
21 might be helpful: pandemicflu.gov, obviously is where
22 we're all supposed to be focusing our efforts and our
23 attentions making sure that stakeholders are aware of
24 it, making sure all of our guidance documents are
25 available there as well as in our own departmental
26 sites.

27 OPM provided human capital planning

1 guidance. It's available through its Web site. Then
2 there's also a guidance document that was developed
3 after 9/11, I believe, the Department of Labor's
4 Office of Disability Employment Policy was involved as
5 well as EEOC and a number of, I think, 21 agencies
6 focusing on emergency planning and attention to
7 individuals with disabilities. And some of the
8 lessons there are also applicable to how you deal with
9 stakeholders who may have disabilities to make sure
10 the guidance you're putting out is accessible to them
11 as well.

12 Then CDC and the State Department have Web
13 sites if you have employees traveling or if you have
14 employees overseas where you can look to see what
15 their recommendations are along those lines.

16 And then the other point to mention is
17 with all the guidance that's been coming out and will
18 continue to come out, planning is obviously an
19 evolving process, but departments and agencies are to
20 aim to have their plans pretty much nailed down by
21 December. And then as additional guidance and more
22 information becomes available, they will be fine tuned
23 to address either more knowledge that may be acquired
24 about the nature of the virus and/or more strategies
25 that become available. I think I have one more slide.

26 As I mentioned earlier, of the 300 actions
27 and implementation plan, 24 involve the Department of

1 Labor. The Institutions Chapter, which is Chapter 9,
2 Protecting Personnel and Ensuring Continuity of
3 Operations, that focuses on federal agency or
4 institutional preparation including federal agencies.

5 Five of those, Department of Labor is involved in two
6 of them involving Office of Personnel Management, and
7 the other three are primarily led by OSHA internally
8 within the Department of Labor. And overall, of the
9 24 actions, OSHA has the lead on 19 and has been
10 working closely with our counterparts.

11 And now Jennifer Silk will speak to the
12 specific activities going on within OSHA.

13 MS. SILK: Thank you. As you might
14 imagine, OSHA has a somewhat unique role in preparing
15 for the pandemic, because not only do we have to be
16 concerned about the safety and health of our own
17 workers, we also have to be concerned about the safety
18 and health of other workers and preparing other
19 workplaces for the pandemic. This is a timeline just
20 to give you an idea of when we started thinking about
21 this that we actually issued guidance for protecting
22 workers against avian flu in March of 2004 when we
23 first started hearing about the avian flu and were
24 concerned about it coming to the United States.

25 Clearly, in terms of avian flu, the
26 primary human population that is of concern would be
27 workers who would be handling the infected birds and

1 taking care of the bird carcasses. So we are
2 concerned about that. In December of 2004, we issued
3 additional guidance on avian influenza protecting
4 poultry workers at risk, so we got into more specific
5 guidance about those workers.

6 Then in November of 2005, as was already
7 mentioned, the President issued the National Strategy
8 for Pandemic Influenza. As a result of that, in
9 February of this year, we created pandemic influenza
10 working groups to address our concerns both internally
11 and externally on this and started working with the
12 Department on the DOL plan for dealing with the
13 pandemic. In May of this year, of course, the
14 President issued the implementation plan for the
15 National Strategy that requires all the agencies to be
16 working towards preparation.

17 And as of this month, September, we have a
18 number of guidance documents, which I'll talk to you
19 about in a little more detail, that are currently in
20 the clearance process. And I'd just like to note,
21 you'll see a number of slides here that have "draft"
22 as the watermark on them because those documents are
23 still in clearance. I'm going to give you an idea of
24 what's in them, but they could potentially change as a
25 result of the clearance process.

26 Just to give you an idea of what we have
27 identified as OSHA's essential functions for the

1 pandemic, first of all, we have responsibilities under
2 the Worker Safety and Health Support Annex to the
3 National Response Plan, so if there is a pandemic and
4 an incident of national significance is declared, then
5 OSHA will have certain responsibilities regarding
6 protection of workers.

7 We believe that we will have to continue
8 enforcement activities and probably focus on
9 fatalities, imminent dangers, complaints and accident
10 investigations. We also have a role to provide safety
11 and health specific guidance and assistance to
12 employer -- employees in the federal response
13 community which we'll get into in a little more
14 detail.

15 We think cooperative programs would
16 continue. That would be our consultation programs,
17 VPP, Voluntary Protection Programs and Compliance
18 Assistance, and there still would be a role for
19 developing and promulgating workplace health and
20 safety standards in the event of a pandemic.

21 The process that we established is to
22 address our responsibilities. We have two different
23 workgroups to identify issues and develop
24 recommendations relative to the pandemic flu. The
25 first is the Pandemic Flu Policy Group, and this has
26 been divided into an internal subgroup to look at DOL
27 and agency issues. And then we also have an external

1 subgroup to look at employer and employee issues.

2 In addition to that, we established a
3 Respiratory Protection Group, because it became clear
4 to us in the initial preparation phases that the issue
5 of respiratory protection was going to be very key,
6 and there were a lot of disagreements in the industry
7 about how that might transpire.

8 The workgroups are responsible for
9 developing our policies and procedures, for protecting
10 OSHA's employees during pandemic as well as to
11 develop guidance to assist employers with protecting
12 their employees and a respiratory protection policy.
13 And these activities are all ongoing within the
14 agency.

15 Now just to get into a little more detail
16 on what our current activities are. First of all, we
17 have been petitioned under the Occupational Safety and
18 Health Act to issue an emergency temporary standard on
19 protecting workers from pandemic flu. This was
20 received in December of last year from a number of
21 unions. Under the Act, there's a provision that
22 allows the Secretary of Labor to issue a standard when
23 there is a grave danger that has a time factor
24 associated with it, so it's a grave danger that's
25 going to happen in a short period of time. And under
26 that provision of the Act, we have been asked to issue
27 a standard for those workers that are going to be

1 performing essential functions or are at high risk of
2 workplace exposures like emergency responders or have
3 close contact with birds.

4 We're currently in the process of
5 reviewing and evaluating that petition to decide what
6 the appropriate response is going to be, but
7 concurrently, as I've already mentioned, we are moving
8 forward to provide guidance on pandemic influenza
9 preparedness.

10 The documents that we currently have in
11 development is first of all, the guidance that I
12 mentioned to you that we issued in March of 2004, we
13 are you updating that. This is a very significant
14 update, because obviously we've learned a lot in the
15 last two years about how to protect workers from avian
16 flu, and that's in the final stages of clearance. We
17 also are developing new guidance that is specifically
18 targeted to the health care industry where workers
19 will be on the front line in terms of dealing with
20 patients who have pandemic flue, so that's really
21 critical guidance in terms of protecting workers who
22 will be at very high risk. And we are developing more
23 general guidance on preparing workplaces for an
24 influenza pandemic.

25 Okay. The OSHA guidance update on
26 protecting employees from avian flu that I mentioned,
27 which is actually a substantive document on avian flu

1 guidance, but it has a number of fact sheets and quick
2 cards that go with it that are tied to specific
3 industries. It provides general information about
4 avian influenza. It also identifies key employee
5 groups that might be affected so in addition to
6 poultry workers, there are other people who might be
7 affected by the avian flu. It provides guidance for
8 protected those affected employee groups, so it has
9 specific guidance for the different employee groups in
10 terms of protection. And their basically, the fact
11 sheet and the quick cards, are designed for layperson
12 use, so those are tools that can be used by employers
13 to help inform their employees.

14 As already mentioned, it updates the 2004
15 guidance. It includes much more detailed guidance on
16 what the workplace protections would be. It also
17 talks in some detail about the avian influenza virus,
18 the history of pandemics, the kinds of incidents that
19 are already occurring in humans and other animals,
20 much more information on signs and symptoms of
21 infection, talking about how you protect people from
22 viruses and how they behave in the workplace and other
23 places, and it has a number of links to additional
24 resources. So as I said, that's really in the final
25 stages of clearance, and we hope to have that issued
26 very soon.

27 The healthcare guidance provides

1 comprehensive information and guidance to the
2 healthcare community specifically. We drew
3 information from a number of different sources
4 including our colleagues in HHS, including CDC and
5 NIOSH, the World Health Organization, our own
6 resources, and we did a literature review. This again
7 is a very substantive guidance document. It provides
8 a lot of detailed information for the healthcare
9 industry. Next slide please.

10 It includes the biological aspects of
11 influenza, the general principles of infection
12 control, what you can do to prepare healthcare
13 workplaces for pandemic influenza, the standards that
14 we currently have that would be of special importance
15 in the event of a pandemic, and then it has a number
16 of appendices with supplemental information and
17 resource links.

18 This is in the initial stages of
19 clearance, and we expect to have that issued some time
20 later this year.

21 The third guidance document is the one
22 that probably would be of most interest to most of
23 you, and it's more general guidance on preparing
24 workplaces for a pandemic. And this was developed by
25 our external workgroup, and it addresses a number of
26 different influenza types of exposure scenarios. It
27 talks about a public health approach. We've already

1 mentioned hygiene and social distancing. But it also
2 addresses an industrial hygiene hierarchy of controls,
3 of engineering controls, work practices,
4 administrative controls, and personal protective
5 equipment. And it's basically giving employers a
6 general idea of how to assess the risk in their
7 workplaces and then come to the appropriate controls.

8 You might all appreciate the fact that in
9 the case of the pandemic, there isn't anybody who has
10 any experience in protecting people against a
11 pandemic, so what we're doing here really is taking
12 general industrial hygiene principles for occupational
13 safety and health and trying to apply them to the
14 situation that we think would occur in a pandemic.
15 And what we've done is develop this hierarchy of
16 potential exposures.

17 It's a risk-based exposé to preparing
18 workplaces for pandemic influenzas, so we're looking
19 at the types of exposures that people have in the
20 normal workplace situation, the kind of proximity they
21 would have to potentially infected people, what kind
22 of contact they have with the public, and then we
23 looked to provide guidance on how you might assess
24 risk in the workplace and provide risk-based control
25 measures. So, basically, the people who are the
26 higher risk are at the top of this pyramid, and the
27 people at the lowest risk are at the bottom. But it's

1 recognizing that different jobs have different levels
2 of risk without actually being able to quantify the
3 risk. This isn't a numerical quantification. It's
4 more or less a subjective approach to determining what
5 the potential for exposure to infected people is.

6 Those who would be at very high risk,
7 which would be the top of the pyramid, are those jobs
8 that have potential exposures to high concentrations
9 of the pandemic influenza virus. And the examples of
10 this would be, for example, healthcare workers who are
11 performing aerosol-generating procedures on known or
12 suspected pandemic patients or those healthcare
13 workers who are collecting or handling specimens from
14 known or suspected pandemic patients. So these are
15 the people who would clearly be at high risk of
16 contracting pandemic influenza in their work.

17 The kinds of control measures that you
18 would use for the very high risk employees would be
19 first of all, hygiene and social distancing. That's
20 basically used for everybody in terms of influenza
21 transmission. You might also be doing enhanced
22 employee medical monitoring, so sort of proactively
23 looking for symptoms and making sure that people are
24 removed; be looking at ventilation which is isolation
25 rooms; physical barriers like plexiglass shields to
26 prevent people from breathing on each other; infection
27 control isolation precautions; and then, of course,

1 personal protective equipment. And here, we would
2 talk about respirators, which would be N95 respirators
3 or better, such as powered air purifying respirators
4 or a supplied air respirator which are a higher level
5 of protection; gloves; face shields; eye protection;
6 and gowns. So these would be the employees who are at
7 the highest risk.

8 The next category is high risk which,
9 again, these have a high potential but not as high as
10 the ones we just talked about. It would mostly
11 involve healthcare delivery and support staff exposed
12 to known or suspected pandemic patients, so it might
13 be people who are providing care or transporting known
14 or suspected pandemic patients in enclosed vehicles,
15 or handling or disposing of remains of known or
16 suspected pandemic patients.

17 So in the case of the high risk control
18 measures, you would again have hygiene and social
19 distancing, enhanced employee medical monitoring and
20 physical barriers, infection control and isolation
21 precautions, and then the personal protective
22 equipment. And here we say the N95's are better,
23 gloves, face shields, eye protection, and gowns.

24 Then we have the medium risk, and these
25 are jobs that require frequent or close proximity,
26 which we've identified as between three and five feet
27 exposures to the general public. It would be looking

1 at high frequency contact with the general public as
2 well as the close proximity to vulnerable populations
3 which we believe will be identified by the Centers for
4 Disease Control. And the examples that we have here
5 are banking, for example, bank tellers, grocery clerks
6 and retail stores, teachers in schools, so people who
7 have a lot of contact with the public.

8 For these medium risk jobs, we're looking
9 again at control measures of hygiene and social
10 distancing, some enhanced employee medical monitoring,
11 physical barriers, enhanced local area ventilation
12 where possible, strategies to minimize face-to-face
13 contact, administrative controls, and personal
14 protective equipment. And here we're saying gloves
15 for employees who handle money or merchandise, then
16 surgical masks or respirators, face shields, and eye
17 protection.

18 And then the last category on the bottom
19 of the period would be the lower risk where you would
20 have a caution or want to be cautious, but these jobs
21 don't usually require contact with people known to be
22 infected, and they don't have a lot of close contact
23 with the public in terms of proximity or numbers of
24 people, but employers would just want to be cautious
25 and protect their employees from infection. And in
26 the case of the lower risk, again, you would have the
27 hygiene and social distancing. We're all going to

1 have to get used to not shaking hands with people and
2 things like that. And administrative controls like a
3 sick leave policy, telecommuting. You would want to
4 encourage your employees to telecommute and flexible
5 schedules to limit contact that people have with
6 people.

7 In addition to those, there also might be
8 some high impact employees. Employees that would be
9 difficult to replace. You might have to do extensive
10 training or that they provide some kind of essential
11 services. Police, fire fighters, other kinds of
12 emergency response people would certainly fall into
13 this. Public utility employees, you want the power
14 plants to keep operating. For these employees, while
15 they might be at lower risk, employers might want to
16 consider upgrading to a higher level of precaution
17 from that lowest level just to help make sure that
18 these employees are protected from being infected.

19 So that's the general concept that we have
20 in terms of guidance. And as I said, it's not that
21 anybody has any special knowledge about how to deal
22 with a pandemic, but it's just taking general
23 industrial hygiene principles and trying to apply them
24 along with the infection control principles that
25 people are all knowledgeable about. And that's
26 generally where we are. Thank you.

27 SECRETARY FOULKE: Okay. Thank you. Do

1 we have any questions or? Well we deeply -- oh, I'm
2 sorry. Go ahead.

3 MS. RODRIGUEZ: Do you have any sense of
4 where agencies are in terms of fulfilling some of
5 this, like, you know, where in the process they might
6 be? I know that you mentioned December as sort of the
7 next point where people have to report in.

8 MS. HOWE: I think -- generally, I think -
9 - I mean it's hard to say. There are 67 departments
10 or agencies. Thirty of those are sort of your more
11 significant size. My sense is everyone has begun
12 planning and is hopefully well on their way to
13 planning. Certainly the agencies and departments I'm
14 dealing with are pretty far having had draft plans in
15 the works first for sort of a March deadline, then for
16 a May deadline, and now looking as more guidance
17 becomes available.

18 You know, I'd be interested from all of
19 you who are representing various departments and
20 agencies if in your capacities you've been engaged, if
21 you're aware of the planning. I think what we've
22 tried to encourage is -- there's a little bit of
23 attention, whether this is a COOP activity and your
24 emergency management people handle this, or is this an
25 HR activity and then your Office of Assistant
26 Secretary for Management Administration or something,
27 HR-oriented handles it. I think what we've tried to

1 encourage is that those two groups work together,
2 granted we won't have to evacuate of your buildings
3 necessarily, but it is a continuity of operations.

4 And we've also encouraged that the
5 leadership of the agency and department needs to be
6 involved. If this is simply being pushed up by
7 emergency management personnel and not being pushed
8 down by the leadership, it won't be truly a part of
9 the agency and department's culture, and you won't
10 have the decisions made in advance that you need to
11 have made.

12 MS. RODRIGUEZ: Yes. I actually just had
13 a briefing yesterday at OPM on their portion of what
14 you just described, and that was one of the points
15 that we were very concerned about, making sure that
16 while there are different plans going on dealing with
17 specific issues of a potential pandemic that both
18 sides need to be working together and talking. And I
19 know that in parallel points you have been, but, you
20 know, there has to be that coming together as you just
21 mentioned.

22 MS. HOWE: And the other point to mention
23 is that both the COOP and emergency personnel but also
24 the policy personnel need to reach out to the
25 emergency managers, because a lot of the people
26 involved in policy know what's in the pipeline to be
27 developed as guidance. And that certainly would be

1 helpful for their emergency managers or their pandemic
2 planners to know what do you need to worry about; what
3 do you need to just wait and see what guidance you're
4 given, and deal with what you can in the meantime.

5 SECRETARY FOULKE: Yes.

6 MR. MEREDITH: Hi. Jim Meredith, Interior
7 Department again. We're in something of a little bit
8 of a unique situation, though not entirely to us,
9 because of our wildlife management responsibilities.
10 We have employees that are, as we speak, working with
11 identification as part of their regular work
12 activities in working with wildlife, migratory birds
13 specifically. That's something that they're concerned
14 about, and also with the efforts to try to identify
15 the possibility of the virus coming in through the
16 migratory birds. So as a result, we have developed a
17 plan specifically focused for those employees, and it
18 has been coordinated very closely with CDC, OSHA,
19 other agencies.

20 I know we just had a second federal
21 review. OMB sent it out. We did an internal
22 professional-type review of that. And then OMB just
23 recently had it out to federal agencies again for
24 further comment. So even though it's not been
25 finalized yet; however, we have essentially
26 implemented it for our employees. So it has been a
27 very interesting effort that's underway. And it sort

1 of puts us in a very unique environment with that
2 respect.

3 But even on top of that and on the broader
4 scale, because of our public interaction through the
5 Park Service and Bureau of Land Management and so
6 forth, you know, we're very concerned as well with
7 the, you know, the public contact and particularly our
8 emergency management. At that level, our emergency
9 management folks are working on development of a
10 departmental plan there. So just kind of a different
11 take there that I thought I might share with you.

12 SECRETARY FOULKE: Thank you. Any other
13 comments or questions for our panelists? Okay.
14 Jennifer, Suey, we thank you so much. I appreciate
15 that. I know there's a lot going on, because I get to
16 see a lot of it. I'm glad I'm not writing all of it,
17 but I don't know how they keep up with it to tell you
18 the truth.

19 We're going to kind of a have a little bit
20 of a rearrangement on our Agenda here. But first of
21 all, I did want to introduce my new Deputy here, Brian
22 Little. Brian, you want to stand up. Brian Little is
23 my new Deputy Assistant Secretary for OSHA, and I'm
24 glad to have him on board. So you'll probably be
25 seeing him at these meetings also.

26 Now we're going to go to motor vehicle
27 safety. Executive Order 13043 requires all federal

1 employees are to use seatbelts when traveling on
2 official business. And this is whether they are
3 driving, riding as a passenger or catching a taxicab.

4 My predecessor, former Assistant Secretary Hinshal,
5 began an effort to re-energize the effort to obtain
6 100 percent compliance with the Order by reminding
7 federal employees of their obligation to comply, but
8 more importantly, he wanted to let them know how much
9 seatbelt use reduces the risk of deaths and serious
10 injuries.

11 And I know that in 2004, the National
12 Safety Congress in New Orleans, OSHA and the National
13 Highway Traffic Safety Administration called a joint
14 seminar for federal employees on traffic and motor
15 vehicle safety. And in conjunction with that seminar,
16 OSHA launched the Every Belt, Every Ride campaign to
17 encourage increased seatbelt use among federal
18 employees.

19 OSHA established a motor vehicle safety
20 workgroup to coordinate the campaign activities. One
21 of the goals of the workgroup was to develop a model
22 motor vehicle safety program. The group has received
23 a number of examples of best practices, policy
24 statements and guidelines that address motor vehicle
25 safety.

26 And right now we have Larry Liberatore
27 from OSHA's Coordinator for Motor Vehicle Safety

1 Campaign who is going to provide us an update, I
2 believe, on the workgroup's progress to date. So,
3 Larry, why don't you go ahead and tell us what you
4 got. Are you belted? Are you locked in there?

5 MR. LIBERATORE: Thank you for that
6 introduction, and I want to thank the Committee, for
7 those that worked on this product before and this
8 project, Milly and DoD, Lou Gynan (phonetic) from the
9 Fraternal Order. So we've had some people who have
10 had experience here, and I want to thank you for that
11 past participation. As Ed said, we launched a
12 campaign, an awareness program in 2004 for motor
13 vehicle safety. The major focus of that was seatbelt
14 safety in the federal sector. We had other advisory
15 committees that, you know, we liaised with, an
16 actual advisory committee and other groups. But our
17 primary effort was the federal sector and seatbelts.

18 As an outgrowth of that, we formed a
19 workgroup in FACOSH to help develop a model program.
20 We did not want to reinvent the wheel. We were not
21 trying to develop a very detailed fleet management
22 safety program. Our intent was let's help federal
23 agencies where they do not have fleets, like the post
24 office may have a fleet, but we were looking for the
25 rest of the federal government that didn't and that
26 what we could them with was to supplement their safety
27 and health programs and develop a very brief pamphlet

1 or chapter or module that addressed motor vehicle
2 safety.

3 We completed that product, so this is
4 really old business. When we completed it, the full
5 committee never met again, so we have a product here
6 that we're going to hand over to the committee for
7 further deliberation and further consideration.

8 Some key points about the program. I
9 think you all have a copy of the draft in your
10 booklets or they were provided to you earlier. It
11 adopts many best practices, common best practices that
12 are out there, both in the private sector and the
13 federal sector, procedures and policies on seatbelt
14 safety, seatbelt use, alcohol, drug use, fatigue,
15 distracted driving, vehicle inspection, testing,
16 things that you very commonly see in those programs.
17 Again, it's not a fleet program.

18 There are a few notable items in the draft
19 that I'd ask you to pay some special attention to.
20 You know, again, these are best practices, but some of
21 these things are some practices that not all of us do,
22 particularly there will probably be some discussion
23 about pre-screening of drivers' records, where most of
24 your progressive companies have a procedure here, and
25 they do that. I don't think that's something that's
26 not routinely done right now by many agencies.

27 It also provides some guidance and

1 discussion of cell phone use, and there are different
2 opinions on this, about driving with and without a
3 hands-on use, so that would certainly be another area
4 that would have to be discussed. There are various
5 views in the federal government right now on this.
6 From a GSA perspective has one policy. NIOSH is
7 approaching from a completely, not completely
8 different but different perspective. But in closing,
9 I want to present this to the committee.

10 I'll be glad to answer any questions, and
11 again, I want to thank the past committee members for
12 their support in providing input to this.

13 SECRETARY FOULKE: Any questions. Yes. Go
14 ahead.

15 MR. WILLIAMS: Just out of curiosity, with
16 regard to handheld cell phones, what's the difference?

17 Is there any data that would indicate any kind of a
18 difference between being distracted by talking to
19 somebody else physically in the car versus talking on
20 a hands free cell phone?

21 MR. LIBERATORE: Yes. NIOSH has quite a
22 bit, and they're position is it's just as hazardous to
23 be talking hands free as if you are holding it.

24 MR. WILLIAMS: But I'm talking about
25 having a person in the car with you. In other words,
26 two people, three people in the car and they're
27 talking. Does that constitute a distraction, and do

1 accident rates go up versus people driving in their
2 car by themselves? Is there any comparative data?
3 Has anybody even looked at that to the best of your
4 knowledge?

5 MR. LIBERATORE: The only research that
6 I'm aware of is in the context of teenage drivers
7 where they view it as a distraction, and it's
8 certainly addressed in graduated licensing programs.
9 But from a worker standpoint or beyond teenage driving
10 research, I'm not aware of any.

11 MR. NELSON: Did the committee look at GPS
12 systems and whether those reduce accidents or increase
13 them. As those are going cheaper, I can see a lot of
14 the federal drivers using those to make their way
15 around inspection sites.

16 MR. LIBERATORE: No, we did not. I mean
17 the only consideration on the vehicles was that you
18 should have a vehicle inspection and maintenance
19 program. That's the extent of how it's addressed
20 here.

21 MR. NELSON: Okay. GPS system, you know
22 what I'm talking about?

23 MR. LIBERATORE: Yes.

24 MR. NELSON: Yes. Okay.

25 MR. LIBERATORE: We didn't get anywhere
26 near --

27 MR. WILLIAMS: That's an excellent

1 question though, because some of those -- all of those
2 systems are highly interactive, and it takes a great
3 deal of cognitive energy, if you will, to program them
4 to try to let them know where you want to go, and a
5 lot of people do that en route as opposed to pulling
6 off and doing it on the side of the road. That's a
7 superb question.

8 MR. LIBERATORE: There is research being
9 conducted, but it's mainly with the trucking industry
10 and being carried out by the Federal Motor Carrier
11 Safety Administration.

12 SECRETARY FOULKE: Any other questions?
13 Yes. Go ahead.

14 MR. GALASSI: Larry, in skimming your
15 document, I noticed it's silent airbags. Is that --

16 MR. LIBERATORE: Yes.

17 MR. GALASSI: Do most of the vehicles in
18 the federal government have airbags?

19 MR. LIBERATORE: Yes, they do.

20 MR. GALASSI: Okay. So there isn't --
21 there is a presumption --

22 MR. LIBERATORE: There's no controversy.
23 There's an assumption that they're there. You know,
24 they treat them in the same way they do seatbelts.

25 SECRETARY FOULKE: I know how important
26 this. I moved up here from South Carolina, and South
27 Carolina just instituted a mandatory seatbelt law for

1 the citizens, and before it was kind of a secondary
2 stop, but now the police can stop you. And I
3 understand that the statistics -- I had not looked at
4 this until they were going in this, when the
5 legislation was pending. And the fact that if the
6 state can get up to like 90, 95 percent seatbelt
7 usage, they could cut the number of fatalities by
8 almost 50 percent, which is just a huge number.

9 And, of course, with respect to workplace
10 fatalities, if you look at the overall number of
11 workplace fatalities, I mean we're talking about 5700,
12 I think, is where we are, a large portion of that is
13 automobile fatalities. So if we can get up to the 95
14 percent seatbelt usage, we can have a very tremendous
15 impact on the number of fatalities that occur in this
16 country, so. So clearly, this is a very important
17 area that we're going to be looking at doing more work
18 in, so. Anything else? Yes. Go ahead.

19 MR. BOWLING: Larry, did you look at the
20 type of vehicles like, for example, 15-passenger vans
21 are kind of a unique government vehicle that has
22 caused some problems over the years or some special
23 emphasis.

24 MR. LIBERATORE: We looked at it. The
25 focus here is in general guidelines. You know, there
26 were certainly some side discussions about 15-
27 passenger vans. There was a discussion about

1 selection of vehicles, that smaller vehicles are 50
2 percent higher to have accidents. But this draft
3 doesn't get into that detail. NTSA is doing a lot.
4 They're doing a lot of studies on the 15-passenger
5 van. There's quite a bit on their Web site.

6 SECRETARY FOULKE: Okay. Anything else?
7 Okay. Thank you, Larry.

8 MR. LIBERATORE: Thank you.

9 SECRETARY FOULKE: I much appreciate that
10 presentation. We're going to -- I guess we still have
11 -- Cathy Oliver, I think, has not gotten here yet and
12 Laura Seeman. I'm sure they're at their desks just
13 working so hard that they didn't realize what time it
14 was and time was just flying, so. Let's move on to
15 New Business and when they get here, we'll go back to
16 their segment there.

17 We have one scheduled item of new
18 business, and at this time, I'd like to invite David
19 Marciniak. This is Dave -- David.

20 MR. MARCINIAK: Thanks.

21 SECRETARY FOULKE: Do you go by Dave or
22 David?

23 MR. MARCINIAK: David. It doesn't matter.

24 SECRETARY FOULKE: And he's the Safety and
25 Health Manager for the GSA, and he's requested some
26 time to speak about the facility design for safety and
27 health. So, David, thank you so much for being here.

1 MR. MARCINIAK: Thank you, Secretary
2 Foulke, Ms. Brayden and the Council for giving GSA the
3 opportunity to just spend a few minutes on, I guess,
4 something that I think comes at OSHA from somewhat of
5 a different approach. Essentially, what we'd like to
6 propose -- I'll just get right to the point -- is that
7 the Council perhaps -- or Council consider possibly
8 putting together a sub group which could address
9 facility design or actually health and safety in
10 facility design.

11 Fundamentally, by designing out hazards
12 early in the life cycle, it has been shown pretty much
13 by DoD, NASA, those types of agencies, DOE, who use
14 these types of -- use systems safety techniques, that
15 you can affect safety much more effectively and also
16 at much lower cost. That's my roots basically from
17 DoD. And that's pretty much where this design safety
18 or facility systems safety, in those types of agencies
19 that have these very complex type systems for which
20 there generally weren't many codified requirements
21 that you could go by.

22 But what we've seen happen -- I've seen it
23 when I was with the DoD in a facilities area and with
24 GSA is that when you get into what I'll call -- I hate
25 to call it more common buildings -- but more common
26 buildings, office buildings as such, commercial type
27 buildings, is there is a paradigm out there that well,

1 building codes and quote unquote "OSHA Regulations"
2 are going to cover everything. Okay? And for the
3 most part, they do. You know, you get a reasonably
4 safe building by following those codes, but we'll
5 submit to you that anomalies do creep in, hazards do
6 get designed into these buildings that just aren't
7 covered by these codes and safety regulations.

8 And for the most part, I mean I don't have
9 to tell this group, OSHA has some fairly specific
10 facility-related requirements when you get to say
11 railings and stairs and things of that sort. But when
12 you get into the other areas, I mean it's really an
13 employer/employee. And just as you need to protect
14 the, you know, employee and it doesn't get into
15 specifics on how to design.

16 Compounding factors besides the field of
17 system safety or design safety not being well known in
18 what I'll call the real estate industry, the
19 compounding factor in that is, from our experience,
20 when you do try to introduce it, it's looked at as
21 overkill -- that's the stuff that NASA uses for those
22 complicated; you know, you're going kill -- you're
23 going to put too much cost on our program.

24 The other thing is limited budgets. You
25 know, many times, by the time a project manager gets
26 his or her budget approved, you know, things are
27 tight, and they're looking to cut things out of the

1 budget. So you get into this confrontation, the
2 safety people with the design or with the project
3 manager -- show me where it is -- show me where it is
4 in the regulation. You know? So it gets a little
5 tough there.

6 Some agencies like ourselves, though, we
7 do have a design guide that comes below the
8 regulations. We don't rewrite the regulations, but we
9 have a design guide that the A and E's, architect and
10 engineering firms are required to use. And I'll
11 mention just a few of the things that we put into our
12 design guides; say, hey, these are good practices, we
13 are adopting them, okay, regardless of whether it's in
14 a code or not.

15 So really what we're proposing -- and
16 there is some of this out there, but it's just a
17 smattering of it out there -- I've done quite a bit of
18 research, and I can't find anything dealing with
19 facility design safety all in one place say for
20 something that I'm going to mention at the end, the
21 whole building design guide -- there's smatterings of
22 it out there -- what GSA would like to do is kind of
23 pull that all together, since we have this design
24 guide already which is a best practice, pull together
25 all the, you know, you start with the laws, the
26 Executive Orders and the Codes and Regulations, and
27 then you just come on down to the consensus standards

1 and the trade practices and then all those things that
2 just aren't there but they are good practices, and try
3 to draw all that together into something which might
4 be a joint services, if you will, or a joint agency
5 design guide for safety and health in facilities.

6 Before I mention just a few of the things
7 that have got us really excited about doing this,
8 before I get into that, one of the things we in the
9 safety business in GSA have come to realize is we
10 can't align our priorities or our topics by what we
11 know, you know, fault protection or whatever it may
12 be. We have to align it by what our internal
13 customers, these A&E designers work by, and they work
14 by landscaping, structure, mechanical, you know, those
15 type of things, so kind of just transpose it into
16 their language.

17 I just want to run through before I get to
18 the end, but just kind of give you a smattering of
19 some of the things that have come up in our experience
20 that we wish -- you know, some of these are in our
21 design guides, and some of these are going to go in
22 our design guide, because it just came -- we revise it
23 about every two years, and I'm on -- they got safety
24 and health on the committee to review the revision. I
25 mean things like -- let's go to rooftops.

26 Well, first of all, let me backtrack
27 again. The differentiation between workers, you know,

1 federal workers, contractor workers, we really don't
2 make that differentiation, because we can say, well,
3 we contract out most of our maintenance and so forth,
4 we don't have to worry about that. Well, we do have
5 to worry about that. We go on the roofs, too. Our
6 GSA people go on the roofs, too. Your people go on
7 the roofs. You deal with the antennas. You deal with
8 other things like that. And we really should be
9 thinking holistically. We can't draw that line and
10 say, well, that's the contractor's responsibility, let
11 him worry about how to protect himself. So that's one
12 thing, you know, I want to set straight. Even though
13 this is FACOSH, we don't want to try to differentiate
14 between us and the private sector.

15 I don't think I mentioned, though, at the
16 beginning even though GSA is a small agency, 12,700 or
17 so, we house a little over one million federal
18 workers, so half of those are housed in buildings we
19 own. The other half are housed in leased locations.
20 And we can still affect lessors. You know, we have --
21 we're dealing the money, so we can tell them how we
22 want things done. So we have 1,700 owned buildings
23 and 6300 leased locations. So, you know, we have
24 quite a bit of exposure out there. Maybe we don't
25 have the very, very high hazards in these office
26 buildings that, you know, you might have with the Park
27 Service, DOI or DoD, but in the aggregate, we

1 certainly have a lot, you know, one million occupants.

2 So I forgot to mention that.

3 But anyway, things that you've probably
4 heard of. You know, if you can't get parapets on the
5 roof, move the equipment inboard if you can so it's
6 not near the edge. If you can't move it inboard,
7 well, think about it. Can you turn it so that the
8 access panel is not near the edge, it's on this side?

9 You know, simple things like that. Integrated
10 skylight protection -- is there a way we can build it
11 in rather than figure it out later, things of that
12 sort.

13 We're seeing antennas all over our roofs,
14 and it's a hazard with cables and so forth. Can't we
15 put conduits in in anticipation of these cables? A
16 big thing that, you know, GSA is looking with the --
17 they're going to, I guess, put 1910 subpart D out
18 again next year for public comment, the fault
19 protection standard.

20 There is this big push by the window
21 washers -- what is it, International Window Washers
22 Association -- I'm not quite sure, but there's an ANCI
23 14.1 standard on window washer safety, and it affects
24 more than just them. But the installation of anchor
25 points. You know no one's -- you know, we need to
26 figure out in our design guides, well, we know we want
27 to put them in, but how -- you know, we know that they

1 have to be 5,000 pounds, but where do we put them, how
2 do we locate them, how do we test them, things like
3 that. It's not required as of yet.

4 Walking working surfaces. There's a new
5 ANCI standard out that talks to slip resistance and
6 actually gives a number and how to test for it. Why
7 are we not specing that when we design buildings for
8 the surfacing materials? It shall have at least 0.5,
9 you know, resistance or greater. You know, we just
10 don't do that. It's not required anywhere.

11 There have been some lesser things we
12 found. We like to clean the water for the tenants.
13 We put charcoal filtration in in public water systems.

14 We put them on chiller loops, and we've come to find
15 out, oh, geez, the charcoal takes the chlorine out on
16 these loops, and we start developing bacteria. You
17 know? So we're like it's just design practice. So
18 what we're doing is going back to the buildings
19 operations people saying, you know, as far as your
20 risk goes, leave it the way it is. It may be able to
21 get some odors or so forth, but at least it'll stay
22 chlorinated, and we won't have health concerns.

23 We had a building we built with a railing
24 -- it's a rather new building -- it has a 10-story
25 open atrium, and the railings are substantial, and
26 they're horizontal. And because of the way the
27 architect did the paint schemes, everything's all

1 white, people didn't realize that not only was it a
2 place to put things, but you couldn't see that there
3 was a sheer drop behind it. So people were putting
4 books, sodas, children -- public building -- on these
5 railings right behind which was a 90 foot drop. So we
6 had to go and modify this later by putting a little
7 stop plate up there. But just things like that.

8 For the longest time -- well, not for the
9 longest time, probably last two revisions of our
10 design guide -- we prohibited the installation
11 insulation inside of ducts. We just know that's bad
12 having that on the inside. You can't clean. It
13 harbors microbials and things of that sort. It's not
14 a requirement anywhere in the Codes.

15 Fomite -- fomites are essentially surfaces
16 that can transmit disease. You know, we talked about
17 pandemic flu here. How many times have you gone, you
18 know, you've gone somewhere, you've washed your hands
19 real well in the restroom, then you go to leave, and,
20 oh, you got to pull a door handle. You know? Think
21 about these things. What do we do? We design them so
22 you can just push your way out so you don't have to
23 grab a tissue and get out. Or look at your airports
24 and public places, there's no doors. They designed it
25 so you can just walk around. So things like that.

26 Pressurizing our buildings. Can we design
27 in controls so that if we need to, during shelter in

1 place or safe harbor or whatever it may be, we can
2 control the pressurization and perhaps filter the air
3 and stay in that building. We don't design for that
4 now. We design for HVAC.

5 And finally, just one last thing that just
6 came up in one of our buildings here at White Oak,
7 which was on an old -- well, it's a radon -- medium
8 radon, I believe, but it's also a Brownfield sub-slab
9 depressurization. You know, we think of that in the
10 residential market. Well, if you're going to build
11 where there's radon, you should put the gravel in
12 anyway. It's very inexpensive when you build.

13 New Jersey has recommended, in public
14 buildings, especially if you're going to be near any
15 Brownfields, regardless of whether there's radon or
16 not, put this in, this sub-slab depressurization.
17 Then later if you get pesticides or VOCs or whatever
18 may be, you know, you've got the job half tackled. So
19 just things like that.

20 So what we'd like to recommend, GSA is
21 going to get back on the whole building design guide
22 effort. It's a wonderful resource if you're an agency
23 that's into designing buildings. It's just
24 www.wbdg.org and it goes in there and it gives best
25 practices. If you drill down, the Council has copies,
26 and I made a few copies of a sort of a paper I wrote
27 up on what I'm talking about here -- if you drill

1 down, there's a design guidance and there's a design
2 objectives. Then there's a session called secure
3 safe, and then there's a subsection called ensure
4 occupant safety and health.

5 And there is a reasonable effort in there
6 on what I'm talking about, but it hasn't been updated
7 in a while. The main players, unfortunately, are GSA,
8 NAVFAC, Army Corps of Engineers and, to some extent,
9 the Air Force, but GSA -- I just came over to this
10 position about a year ago, so we're going to be now
11 putting more effort back into this, how should I say,
12 design guide for safety and health.

13 And what I'll leave you with is, you know,
14 if the FACOSH Council would consider a subgroup that
15 ties into this whole building design guide, that would
16 be something GSA would offer to coordinate. So that's
17 really the gist of what I'm at here.

18 SECRETARY FOULKE: Any questions of David?

19 What I think we can do, you know, before our next
20 meeting, maybe we could put together some type of what
21 this subgroup would look at as to when and what their
22 mission could be charged for, and we can talk about it
23 at the next meeting so we know.

24 MS. RODRIGUEZ: And also a timeframe of
25 when things would be happening and when the product
26 that you expect to come out of it, you know, what kind
27 of time are you working with. I think that would be

1 helpful to the Council members.

2 SECRETARY FOULKE: Go ahead.

3 MR. MARTIN: Can I ask you a question? Do
4 you have some of these practices for safety purpose
5 and others are for preventive purposes, because it
6 seems like the cost would get real high with a lot of
7 the things you mentioned. But some of them -- do you
8 have them like categorized where some might save a
9 life and other things are just things that may
10 happened. You know, it might be something to look at?

11 MR. MARCINIAK: Well, no, I think they all
12 -- I think everything -- nothing gets into our design
13 guide unless it's -- let's put it this way, the
14 architects and engineers have to buy in on it. If
15 they think it's unreasonable -- if they don't think
16 there's a reasonable risk, it's not going to go in.
17 So oftentimes what we'll do in the safety and health
18 profession is I'll parlay it off something else. The
19 anchors on the roof aren't just for, you know, they're
20 not just for the safety of the window washers.

21 You know, I'll sell it in the fact that if
22 you have to wrap a cable around a penthouse and rig up
23 that, it's going to cost you more than if you can
24 anchor off, and you're not just using it for that,
25 you're using it for facade inspections, there's other
26 things they do.

27 So I'm not quite sure if I answered your

1 question, but a lot of times, these things are wrapped
2 up into maintenance issues, too, maintainability. And
3 that's the way -- you know, maybe it's cheating, but
4 that's how I get safety sold sometimes.

5 SECRETARY FOULKE: Does GSA also have some
6 guidelines on, like, equipment and machinery that you
7 might -- that would be -- I notice probably all these
8 buildings -- like at the Department of Labor, we have
9 some large trash compactors and stuff like that. Does
10 GSA also have guidelines on proper guarding and stuff
11 like that of that type of equipment do you know?

12 MR. MARCINIAK: It's in the MEP, the
13 Mechanical Electrical Plumbing section, but they have
14 not been that -- it hasn't been that detailed in both
15 maintainability and safety. Unfortunately, I guess
16 the whole government is that way. They try to go
17 towards performance work statements. But that's one
18 of the things we're specifically looking at in this
19 rewrite. For instance, it's not just going to be
20 rooftop tie-offs. We look at elevated equipment,
21 cooling towers, try to put platforms there if we can,
22 things of that sort. But, yes, that's all going to be
23 looked at. It's spotty. I must admit it's spotty as
24 far as the requirements.

25 SECRETARY FOULKE: All right. Yes. Go
26 ahead, Curtis.

27 MR. BOWLING: Is there a federal

1 facilities group that looks at construction and
2 maintenance activities across the various federal
3 agencies that's in existence now?

4 MR. MARCINIAK: That I don't know. That I
5 don't know. The closest thing we can find -- it's not
6 federal, but they play -- is the whole building design
7 guide, yes.

8 MR. BATHURST: There is, under the Offices
9 of the National Research Council, the Federal
10 Facilities Board -- I can't remember the exact title
11 of it -- National Research Council does --

12 MR. BOWLING: That's the one I'm thinking
13 of.

14 MR. BATHURST: -- sponsor a forum for
15 federal construction agencies to coordinate such
16 things.

17 MR. BOWLING: And of course NIST does a
18 lot of that research, too, right?

19 SECRETARY FOULKE: Yes. Tom.

20 MR. GALASSI: AS you probably know, OSHA's
21 regulations in this area have been revised and they are
22 somewhat performance oriented. And in our
23 regulations, we reference the Life Safety Code 2000.
24 There's a compliance approach. And the Life Safety
25 Code is a quite ponderous document, and it's broken
26 down by occupancy. How would your proposed document
27 relate to the Life Safety Code guidance that is out

1 there?

2 MR. MARCINIAK: It probably wouldn't, at
3 least from GSA's standpoint, because we adopt it, so I
4 mean it's already codified on --

5 MR. GALASSI: I guess it gives a lot of
6 guidance, so you're proposing a solution that would go
7 beyond that and would give specifics, best practices,
8 lessons learned, recommendations to specific issues.

9 MR. MARCINIAK: We're looking for those
10 anomalies that just don't get caught. It's not
11 exactly Life Safety, but it's fire, testing the fire
12 pumps in high rises. You're supposed to do them under
13 load with water. Okay? I don't believe the Fire
14 Protection Code tells you that, gee, you have to pipe
15 the exit somewhere where you can run the water. They
16 just leave it in a basement somewhere and, you know,
17 things like that that aren't -- that's really what --
18 that's really our intent. We think that, at least
19 speaking for GSA's design guide, they don't want me
20 rewriting what's in the codes, just refer to it, but
21 just give guidance to areas that either aren't clear
22 or are just missed. Did I answer that?

23 MR. GALASSI: Yes.

24 SECRETARY FOULKE: Any other questions or
25 comments from anybody? Yes.

26 MR. GREULICH: Owen Greulich with NASA. I
27 remember reading recently an article in the *Wall*

1 *Street Journal* about a hospital that was designed for
2 safety, and there has been a lot of resistance to this
3 whole concept, because it's going to cost so much more
4 and this particular hospital -- it was a small one --
5 I think it was a 70-bed or a 100-bed -- but I recall
6 reading that they came in no more expensive and, I
7 think, actually saved money from the original planned
8 budget but also were able to incorporate all kinds of
9 safety features that you don't find in every hospital
10 and things that -- some of them actually saved them
11 money, because they standardized locations of the
12 oxygen in the hospital rooms and things like that so
13 that everybody knew exactly where to reach for
14 something.

15 I think this is the kind of thing you're
16 looking for. You're looking for designing things
17 smart so that you not only can accomplish what you're
18 trying to accomplish but save some money at it
19 besides. And you can say it's well worth doing. I
20 say this as a former design engineer that, you know, a
21 lot of times if you stop and think about it, you save
22 a lot more by thinking up front than by going and
23 trying to implement something after. Certainly that
24 railing problem for example. It was probably a real
25 cool design when they started out.

26 MR. MARCINIAK: Oh, it looked beautiful.

27 MR. GREULICH: Thank you.

1 MR. MARCINIAK: Just real quick.

2 SECRETARY FOULKE: Yes, sir.

3 MR. MARCINIAK: One of the other things --
4 -- I'll speak again for GSA -- that's being emphasized
5 or I should say strengthened in our rewrite of our
6 design guide is life cycle cost, so you have to do
7 exactly what this gentleman says. You have to look at
8 that whole cost route.

9 MR. DICKERSON: Just briefly. It just
10 sort of sounds somewhat like retrofitting and
11 mitigation in terms of from one perspective to a
12 safety perspective, and I think one of the bigger
13 issues is about the cost, because if you do that --
14 first of all, all this has to be brought up in the
15 design phase for the construction of new construction,
16 but then the bigger question becomes what happens to
17 those existing facilities, and how do you retrofit
18 those to bring those up to meet the same new safety
19 codes or new retrofitting efforts that you have for
20 new buildings.

21 Obviously, in the design phase of all new
22 buildings, you can almost incorporate those things in
23 the very offset. But the federal government is not
24 building a whole lot of new buildings per se. Most of
25 the cases, they're acquiring buildings that are
26 currently existing. The question then is how do you
27 retrofit or how do you mitigate those types of things

1 in an existing building. And then it comes back to
2 the question somebody mentioned earlier about dollars.

3 It becomes a dollar issue, so.

4 I think it's an excellent concept, but I
5 think that getting it done is going to probably face
6 some hurdles, and I don't know if champions of a cause
7 such as that, when you look at the dollars versus
8 having to retrofit all of the different government
9 buildings that the federal government occupies that
10 are older -- they're not -- like I said, they're not
11 building any new ones per structural elements -- and
12 so with the new ones, you have a chance of addressing
13 those concerns for new construction, but what about
14 the ambiguity that exists when you got existing
15 buildings and the same safety concepts that you're
16 trying to impose for the newer facilities, you still
17 have federal workers there, so then we have this
18 bigger -- big chasms. Just a comment.

19 MR. MARCINIAK: Usually, in GSA it's
20 called prospectus level projects. Anything over I
21 think it's \$2.3 dollars, our design guy says if you do
22 anything of those, you incorporate those new designs,
23 so I mean --

24 MR. DICKERSON: I absolutely agree.

25 MR. MARCINIAK: So if I'm going to change
26 the MEP in this whole building, I'm going to have to
27 put in -- you know, the right filtration -- you know --

1 -

2 MR. DICKERSON: You know, on the
3 construction side, it's one thing. I think one of the
4 key issues, if everybody in here has some connotations
5 to safety, is that normally if the engineers -- I hope
6 there are none in here -- but if the engineers would
7 allow us to sit down and talk with them as they're
8 going through their design phase, we'd probably catch
9 a lot of those things in terms of the HVAC systems and
10 the railings and things of that nature, but in most
11 cases, they go off willy nilly and get the
12 construction project going, and then they're gone.
13 And most safety professionals normally end up having
14 to address those things after the building has been
15 constructed. That seems to be pervasive in what's my
16 entire professional life in the field of safety, about
17 35 years. It just seems that most of the time if we
18 could get there early, we could address those
19 concerns.

20 But the bigger question that I was just
21 wanting to raise, what about the pre-existing
22 buildings, and obviously, in my genre, we're dealing
23 with building that we just have to sort of -- you
24 know, we work with you guys all the time, but what
25 happens when we're in a disaster, we have to get a
26 building? Now we got a building that we're just
27 trying to make it livable and doable. And then if

1 we're talking about having to bring it up to a level
2 of -- that people can inhabit it with some of those
3 nuances you mentioned, then there comes a cost factor.
4 So I'm just -- just for dialogue.

5 SECRETARY FOULKE: Okay. Thank you. Any
6 other comments or questions for Dave? Okay. Thank
7 you, David. I appreciate it. And you're going to get
8 with our people and talk a little about -- that's
9 great -- that'd be good.

10 Okay. Do you want to take a ten minute
11 break, or do you want to continue. Any thoughts? Is
12 that a continuance? Just want to make sure I have my
13 signs right, you know.

14 MR. ROWE: A ten minute break or a five
15 minute break would be great.

16 SECRETARY FOULKE: Okay. We'll split the
17 difference. We'll go to a quarter of, so we'll be
18 just recessed for about eight, nine minutes.

19 (Whereupon, off the record for a brief
20 recess.)

21 SECRETARY FOULKE: All right. We'll go
22 back into session. And we're going to go back to
23 program updates and on the report dealing with
24 cooperative programs. OSHA offers several cooperative
25 programs to assist employers in improving their safety
26 and health programs. And we talked a little bit about
27 this earlier.

1 Among these programs are the Voluntary
2 Protection Program, VPP, Strategic Partnerships and
3 Alliances. While there are a few federal agencies
4 participating in these programs, federal agencies
5 remain under represented compare to the private
6 sector, although we do have a fair number of VPP sites
7 represented here today. We have had several people
8 who I've mentioned earlier. And as I indicated
9 before, I'd like encourage the agencies to participate
10 and expand their participation in these cooperative
11 approaches for improving federal workplace safety and
12 health and to assist their agencies in meeting their
13 SHARE goals. We have Cathy Oliver, Director of OSHA's
14 Office of Partnership and Recognition and Laura Seeman
15 and her staff to update you on the federal agencies
16 cooperative programs. So I'll let you-all go at it.

17 MS. OLIVER: Okay. Great. Well, Laura
18 and I are delighted to be here this afternoon to give
19 you an update on what's been going on with federal
20 agencies and our cooperative programs. I think that
21 we've really taken some strides in the growth of
22 participation of federal agencies in our cooperative
23 programs over the passed few years.

24 We have about seven agencies right now
25 with 83 VPP sites, for example. And as you can see up
26 there, there's some representation in our cooperative
27 programs by several agencies across the departments,

1 and through these cooperative programs, they focus on
2 safety and health management systems. And what we've
3 found through these programs is we are achieving some
4 results in terms of reduced injuries and illnesses and
5 reduced workers' compensation and also improved
6 relations between labor management and government.

7 As Mr. Foulke just mentioned, we have
8 three primary cooperative programs in OSHA, one is our
9 VPP, which is our premier recognition program, and we
10 have over 800,000 employees covered by this program in
11 both the federal and the private sector and over
12 50,000 employees of those 800,000 are covered in VPP
13 for federal agencies.

14 Our Strategic Partnership program, which
15 Laura will tell you a little bit about in just a few
16 minutes, is basically a program where we set goals and
17 measures to reduce injuries and illnesses. It can
18 either be focused on safety and health management
19 systems or a specific type of hazard in the workplace
20 such as ergonomics. And we have over 6,000 employees
21 covered in those programs, and I'm delighted to say
22 there are about 12 federal partnerships covered by the
23 Strategic Partnership program.

24 And then finally, the Alliance program
25 which Laura will also talk about. We have over 435
26 agreements, and some of these agreements are with
27 federal agencies including EPA, MSHA, the Department

1 of Labor and NIOSH and the IRS.

2 VPP, again, is all about an effective
3 safety and health management system, and those of you
4 in federal agencies have the 1960 standard so you're
5 very familiar with that. We found, though, that the
6 model for VPP is a little bit stronger than 1960, and
7 we found that the model does work for federal
8 agencies, both large federal agencies and small
9 federal agencies and at union sites as well. And I'm
10 hoping to demonstrate that in mst a few minutes.

11 Some of the processes in terms of getting
12 into the VPP hasn't changed. The program has been in
13 place since 1982 and has continually demonstrated that
14 you have reduced injuries and illnesses over the
15 years. Over that span of years, those sites that are
16 in VPP experience injuries and illnesses more than 50
17 percent below the industry average. And so we think
18 that speaks very well for this model.

19 In terms of the process in case some of
20 you in the room have not ever gone through the VPP
21 process, it is an application process. It is not
22 easy, but in terms of putting together your
23 application, we're not looking for volumes of paper,
24 but actually an overview of how your safety and health
25 management system keeps employees safe in the
26 workplace. There is some program criteria to be in
27 VPP. Generally, to get star level, which is the

1 highest level of recognition, you would have to have
2 injuries and illnesses rates below the BLS injury
3 average for the work that you do at you are worksite.

4 Your safety and health management system must meet
5 the VPP requirements and be in place for one year, and
6 we're looking that you've done at least one annual
7 evaluation before you apply for the program.

8 One of the key elements of VPP, of course,
9 is to have union buy in if it is a unionized site. We
10 do want an assurance that the unions have bought in to
11 having VPP at their worksites.

12 Once you've applied, you do go through an
13 onsite evaluation. There's a team of safety and
14 health professionals that do this evaluation. It
15 does, in general, last about three to four days, and
16 we're doing document reviews and interviews with
17 employees and walking through the workplace. And,
18 again, what we're trying to determine is whether or
19 not the management system that you described in your
20 application is effectively implemented at the
21 workplace.

22 If you get in, we normally have a
23 ceremony, and people invite dignitaries from their
24 particular regions. Also, sometimes national office
25 participation. And of course, once in VPP, I think a
26 really important point about this model is we like to
27 say it's not a flavor of the month model, because once

1 you are in the program, we do come back and do re-
2 evaluations to determine whether or not you still meet
3 the VPP requirements.

4 So I believe most of you in this room are
5 probably familiar with the site-based VPP, but what
6 I'd like to just mention briefly are some of the
7 things that we are doing that we think are very
8 exciting in terms of meeting the demand for VPP. And
9 this means that we want to get more efficient and more
10 effective while maintaining the integrity of the
11 programs.

12 And so three ways we are doing this is
13 through a VPP corporate pilot, our OSHA Challenge
14 pilot, and also we have some Mobile Workforce
15 Demonstration that we're just launching at the first
16 part of October, which is for the construction
17 industry. And I'm not going to talk a lot about that
18 today.

19 But what I'd like to say is if you do have
20 construction subcontractors in your federal agencies,
21 and they're looking for a program to improve their
22 safety and health management systems which, of course,
23 would in the long run benefit you, then you may want
24 to contact us and get some more information about the
25 Mobile Workforce Demonstration.

26 But what I'm going to really concentrate
27 on right now is the VPP Corporate and the OSHA

1 Challenge program. In our OSHA Corporate, the whole
2 idea about corporate is if you have an organization
3 that's going to make a strong overall commitment to
4 workplace safety and health through VPP, and if that
5 company, or in this case a federal agency, has a
6 comprehensive safety and health program that covers
7 all of your worksites, rather than us getting
8 applications that continually repeats how your safety
9 and health management system meets the VPP
10 requirements, you only have to put that application
11 together once. So I think that's really exciting for
12 those organization that want to bring in a lot of
13 sites but want to ensure that they're able to do it
14 effectively with as few resources as possible.

15 One of the federal agencies that's made
16 this corporate commitment is the United States Postal
17 Service. So for example, when they applied to VPP, we
18 went and did an overall evaluation of their safety and
19 health management system, and once we determined that
20 that system met the VPP core requirements, then we can
21 streamline the paperwork that comes in from each one
22 of those sites, those U.S. Postal Service sites, and
23 then when we go onsite, we can streamline our onsite
24 evaluation.

25 And one key difference between this and
26 the standard VPP or traditional VPP is that those
27 corporations would have a process in place whereby

1 they would look at the applications before we receive
2 them at OSHA and determine that they are complete and
3 also that they would make sure that their worksite is
4 ready for us to come out and do our onsite review.
5 And this has been very, very effective in terms of
6 reducing the amount of resources OSHA has to expend as
7 well as, in my example, the United States Postal
8 Service.

9 We're looking to expand this program in
10 2007 and add at least four to six companies to that or
11 federal agencies to the program. And here's just a
12 result of the participation so far for the companies
13 and the U.S. postal service that are in this program.

14 When they compared their sites that were in VPP with
15 their sites that were not in VPP, and they looked at
16 what the cost savings was in each of these cases, you
17 can see, for example, International Paper said they
18 reduced their workers' comp and other related costs by
19 \$1.5 million dollars, and Georgia Pacific \$2 million,
20 and the U.S. Postal Service \$5 million, so we really
21 believe that this program is having a major impact on
22 these companies and the postal service.

23 Another new pilot that I think might be of
24 interest to you is our OSHA Challenge pilot, and what
25 we tried to do with Challenge is break down the
26 elements of VPP into three stages. And for each one
27 of those states, we identified what actions needed to

1 be taken, what documentation is expected, and what
2 outcomes are expected. And then at each one of the
3 stages, when a site goes through the OSHA Challenge
4 process, they get some OSHA recognition. So if you're
5 applying for VPP, sometimes it might take three or
6 four years to get into the program, but through
7 Challenge, you're kind of getting some incremental
8 recognition from OSHA along the way. And we think
9 that is very exciting.

10 The one unique aspect of this program is
11 that it's done through Challenge administrators, so an
12 administrator kind of adopts worksites to go through
13 the challenge process and share information with OSHA
14 from the time they start the challenge process to the
15 time they get through the third stage. And the DLA is
16 one of the agencies that is one of our Challenge
17 administrators, and they're not only working to get
18 their sites into VPP, but they've also adopted other
19 worksites as some of their Challenge participants. So
20 that's, again, another way of leveraging and sharing
21 resources.

22 Right now our Challenge program has over
23 31,000 employees and 74 participants, and some of our
24 Challenge applicants have actually graduated to VPP.
25 So we're learning a lot through this process. It's
26 been really good for the agency in terms of getting
27 data at the start of the VPP process, and we think

1 that's going to be really valuable for the agency to
2 be able to demonstrate that an effective safety and
3 health management system, once you make the commitment
4 to implement it, that you will reduce injuries and
5 illnesses and your costs in the workplace.

6 We're delighted that the Department of
7 Defense, and I know we have representation here from
8 the Defense Department, has selected the VPP as the
9 process of choice for tackling reducing injuries and
10 illnesses in the workplace. And they've actually -
11 and maybe it was talked about earlier -- I apologize
12 we weren't here earlier -- but they've actually -- and
13 I know there are some gentlemen in the room that are
14 with the VPP Center of Excellence -- they've actually
15 pulled their resources together to establish this
16 center of Excellence so that those people in the
17 Department of Defense, those worksites that are going
18 through the VPP process can have access to tools that
19 will help them through that process. And we think
20 that's going to be really effective bringing them in.

21 This all came about when Secretary Rumsfeld actually
22 made a challenge for them to reduce their injuries and
23 illnesses by 75 percent.

24 I'm going to go very quickly through
25 these, but I just wanted to give you an idea of the
26 type of participation we have. For example, in the
27 Army, right now we only have one actual VPP site, but

1 we have signed a partnership, which Laura will mention
2 in just a few minutes. And they've got 21
3 installations actively working on getting into VPP.

4 In terms of the Navy, we've gotten in
5 three shipyards recently, and we have three more naval
6 stations who are getting ready to apply for VPP, so
7 the Navy is very active. And we are also negotiating
8 a partnership agreement, again, for them to facilitate
9 getting their sites into the program.

10 The Department of Air Force is also
11 negotiating a partnership with OSHA. I'm going to go
12 through these really quickly, Louis, if I could. Here
13 are some other organization in the Department of
14 Defense, the NSA and also the Defense Logistics
15 Agency, and I can't thank them enough for the work
16 that they've done in OSHA Challenge. I think we're
17 really going to have some exciting data. They've got
18 six sites participating now. They've got four more
19 sites expected to come on, and we'll be tracking their
20 reductions over the course of their participation in
21 this Challenge program.

22 Here are just a couple of the results from
23 two of their sites. In the first six months, they
24 reported a 45 percent reduction in lost time rates at
25 their depot in Susquehanna, Pennsylvania and a 60
26 percent reduction in lost time rates at their
27 distribution depot in California. The attribute some

1 of this not only as part of their VPP process, they've
2 implemented this 3-D training program, which sounds
3 really exciting, and it's something we really want to
4 go over and take a look at, but it kind of puts visual
5 and sound together in one type of training program,
6 and they say that it's been very effective in getting
7 the results that they're looking for.

8 In terms of NASA, you can see the sites
9 there that are participating in the program. One of
10 the things I'd like to mention -- in the Kennedy Space
11 Center, we did something a little bit different for
12 them with the standard VPP. What we did was we
13 brought their contractors in at the Kennedy Space
14 Center first and then NASA came in at the end, and
15 that was a demonstration program. But it worked very
16 effectively, and now the entire Kennedy Space Center
17 is a VPP site.

18 At the Department of Interior, we have
19 several sites. We've been working closely with the
20 Park Service over the years, and I think that they
21 found that VPP, and I'll defer to Louis back that, has
22 had some impact on their injuries and illnesses, and
23 we hope to continue working more with them in the
24 future.

25 And as far as the U.S. Postal Service,
26 that's who has the most participation now in our VPP
27 program, if you talk to them and you talk to us,

1 there's a different number of sites always being
2 reported, because we report them after their approved
3 by our Assistant Secretary, and the postal service
4 kind of counts them after the onsite team leaves and
5 says you're recommended for star, so I'm not really
6 sure what that means. But essentially, they have
7 quite a number of sites in the program, over 116
8 active sites by our count, and certainly have made a
9 commitment to bring in at least 100 more next fiscal
10 year. So they are gradually going to be -- well, not
11 gradually -- they're going to quickly become the
12 participant and VPP with the most worksites. So
13 that's going to be very exciting, I think, as a
14 statement for federal agencies and their commitment to
15 workplace safety and health.

16 Here are some of the results of their
17 participation in VPP. They've reported a 50 percent
18 reduction in their workers' comp costs since 2003 and,
19 again, a \$5 million dollar savings based on their DART
20 rates.

21 And here's just one of their worksites.
22 This is a process and distribution center and in 2001,
23 their overall rate was 11.38, and in 2004, they
24 reported a rate of 5. We looked to get their 2005
25 rate, and it was not available yet, so hopefully we'll
26 have an update that will show even more of a decrease.

27 NIOSH is interesting. And I like this

1 quote by John Howard. I mean what he basically says,
2 if they're the federal agency that conducts research
3 on safety and health, then they need to walk the talk,
4 and so -- or I guess he said -- that's right -- walk
5 the walk -- apologize. Anyway, what he -- you know,
6 he wanted to make sure that he had a site in the
7 program, and I believe we will be getting more
8 participation in NIOSH in the future.

9 And one of the best success stories is the
10 U.S. Mint for VPP. And as you can see from here, they
11 had one of the highest injury rates in the federal
12 government, and they had 81 violations in 2002. And
13 they said that if they'd been a private company when
14 we did those onsite reviews, they would have had fines
15 up to \$250,000.00. So they had a stand down. And the
16 results, I think, are very, very dramatic. I mean in
17 2000, they had an 88 percent decrease in their TCIR
18 rates from 2000 to 2004 and a 94 percent decrease in
19 their DART rates from 2000 to 2004, also a reduction
20 in their first aid cases as well as an 85 percent
21 decrease in their injuries and illnesses cases. So I
22 think that right there tells the story of what
23 bringing the VPP model can do to a workplace.

24 This is my favorite part -- being able to
25 say that now OSHA has stepped up to the plate and
26 again shown that VPP can work in even federal work
27 facilities that have compliance officers that go out

1 and make inspections in the workplace. Our Region V
2 has been ver active in bring sites into the VPP. And,
3 again, they've shown decreases in their injuries and
4 illnesses rates, and while they had to work through
5 some specifics in terms of their health monitoring
6 program as well as their job hazard analysis, since
7 our COSHOs are going out to workplaces every day, they
8 were able to work through those issues and demonstrate
9 that they could still do that and meet all of the VPP
10 requirements. So that's been very successful, and
11 we're really working in OSHA to share their safety and
12 health management system with the other area offices
13 in the hope that some of our other regions will also
14 begin brining sites into the workplace.

15 So I think overall what we're trying to
16 say is the VPP model works. We've seen, again,
17 reductions in injuries, reductions in workers'
18 compensations costs. That improved labor management
19 and government working together is really an important
20 point of this program. I think DLA reported to us
21 that at the beginning, they couldn't get the union to
22 buy into this program. They worked slowly with them,
23 and after 15 months, now the union has bought in, and
24 they're going full force for VPP. So I think, you
25 know, any time you're having some -- if you do have
26 some labor-management issues or you're not
27 communicating, well, VPP is one of those models that

1 can maybe break down some of those walls and help with
2 that.

3 In the federal worksites, we ran the
4 numbers for the federal participants in VPP, and their
5 TCIR rates were 53 percent below the industry average,
6 and their DART rates were, on average, 44 percent
7 below. So almost consistent with the overall but a
8 little bit less for the DART rates.

9 We're excited that we have the Postmaster
10 General of the Postal Service talking about the VPP
11 and what it's brought to his organization. Here's a
12 quote from John Potter, and he's a terrific speaker,
13 and whenever he goes out, he really makes a point to
14 talk about the VPP -- I hope Corey will nod his head
15 as I'm saying that but -- and talk about the value
16 that it's brought to the U.S. Postal Service.

17 I just want to mention that one of the
18 benefits of being in the VPP is our special government
19 employee program, and what that does is it allows
20 participants in VPP sites to actually take
21 participants, we train them for a week, and then they
22 join us on onsite evaluations.

23 And we found the feedback of that is
24 really terrific in the sense that safety and health
25 people from one agency then go to another federal
26 agency or even the private sector, they evaluate the
27 safety and health management systems, and they bring

1 back with the some new ideas about how to have an
2 effective safety and health management system, and
3 it's a terrific exchange program. And right now we
4 have 52 SGEs from federal agencies that are helping us
5 with those agencies that are listed up there on the
6 slide

7 And, of course, for OSHA it's a true
8 benefit. It's the only way we've been able to grow
9 this program, because we only have so many resources.

10 And it gives us an avenue to continue to bring new
11 people in plus re-evaluate people that are in the
12 program.

13 So that's kind of VPP and federal
14 agencies, and if there aren't any questions on that,
15 or are there any questions on that, or I can turn it
16 over to Laura.

17 SECRETARY FOULKE: Okay. Any questions on
18 the VPP. We did have some discussion earlier. Laura,
19 why don't you go ahead.

20 MS. SEEMAN: Sure. Good afternoon, and as
21 Cathy said, I'm Laura Seeman. I'm the Team Leader for
22 the Strategic Partnership Program. Formalized in
23 1998, the OSHA Strategic Partnership Program allows
24 OSHA to work with groups of employers, employees,
25 labor representatives and other organization to reduce
26 illnesses, injuries and fatalities at multiple
27 worksites. One of the most important characteristics

1 about Partnerships is their flexibility, which enables
2 OSHA to address either specific industry hazards or
3 issues or work on overall safety and health
4 management.

5 Partnerships are written signed agreements
6 usually lasting between three to five years. They
7 have measurable goals and must include language that
8 addresses things like who will be partnering, how
9 partnerships will be verified, and what type of
10 benefits partners will receive -- participants will
11 receive. At a minimum, partners provide OSHA with
12 illness, injury and fatality data. However, other
13 measures may be included and may be captured as well,
14 for instance, training performed, technical assistance
15 provided or self-inspections conducted.

16 Each partnership is evaluated annually and
17 partnerships are often managed jointly by a team of
18 OSHA and its representatives from OSHA and it's
19 partners. Partnerships are developed and run at the
20 national, regional and/or local level. We have
21 currently 157 active partnerships with 9 managed at
22 the national level, and we have signed over 420
23 partnerships since the program started.

24 We currently impact approximately 6,000
25 and a half a million employees. Since the partnership
26 program started, more than 22,000 employers and a
27 million employees have participated in the program.

1 So as you can see by these numbers, we and our
2 partners are leveraging our resources very well to
3 impact a large group of participants at a number of
4 worksites.

5 Let's talk a little bit now about who's
6 partnering with OSHA. The majority of our
7 partnerships, over 80 percent, are in the construction
8 industry, but partnerships have been a very effective
9 tool for OSHA to work with other federal agencies
10 outside of the enforcement arena. We've had a total
11 of 29 partnerships with other federal agencies, 12 of
12 which are active today.

13 On a national level, we're partnering with the
14 United States Postal Service, which I'll talk more
15 about in a minute, and the Department of the Army, as
16 Cathy mentioned. We have done kick-off visits at, I
17 believe, four sites now at the Army, so we're looking
18 forward to stepping that pace up and doing additional
19 visits before the end of the calendar year. We're
20 also working closely with the Air Force and the Navy
21 to develop national partnerships and we expect to see
22 those launched within the next few months.

23 We have several local or regional
24 partnerships, several with the Park Service, and we're
25 also working with agencies like the Federal
26 Corrections Institute at Three Rivers in Region VI and
27 the Department of Interior's Indian Health Services at

1 the Crow Norther Cheyenne Hospital in Region VIII.

2 The information we received from
3 partnerships, both quantitative and anecdotal, tell us
4 that partnerships work. A wonderful example, and I
5 realize now that we're really saying really good
6 things about the Post Office today, but they truly
7 have been an example of a good partnership. We have
8 this partnership with the Postal Service, the National
9 Postal Mail Handlers Union and the American Postal
10 Workers Union, so OSHA is working with labor and
11 management to make this work.

12 This partnership was originally signed in
13 2003 and just recently renewed and aims to implement
14 an ongoing process to identify musculoskeletal
15 diseases and control the risk factors that lead to
16 those exposures before employees can be exposed. To
17 date, there are 116 sites in the partnership. As I
18 just said, we've renewed, and we're going to be
19 launching several more kick-off phases over the next
20 three years, so we expect to see that number increase
21 substantially.

22 The most recent annual evaluation for this
23 partnership showed a 15 percent reduction over the
24 previous year for the musculoskeletal -- can I say
25 MSDs -- MSDs and, on average, the sites that are
26 participating in the partnership have rates that are
27 about 33 percent below the non-participating

1 partnerships or non-participating post office sites.
2 So clearly, the impact can be related back to the
3 partnership.

4 Two recent onsite verifications that were
5 held highlighted the actual cost savings that these
6 reductions represent. The South Suburban Processing
7 and Distribution Center in Bedford Park, Illinois
8 decreased their MSD compensation costs from
9 \$880,000.00 down to \$45,000.00 in four years, which
10 was a 95 percent drop, very impressive. During that
11 same timeframe, the Mid-Island Processing and
12 Distribution Center in Melville, New York dropped
13 their MSD compensation costs 66 percent, from about
14 \$400,000.00 to \$137,000.00.

15 Now one of our local success that is
16 taking place is with the National Park Service's
17 Glacial National Park. The Park employs about 130
18 employees full time. They have an additional 350
19 employees that come in on a seasonal basis. They also
20 have another 480 volunteers working at this park, so
21 we're talking about a very large and diverse work
22 group. They've been working with OSHA's Billings Area
23 Office to reduce their total case rate, and it has
24 gone from 13.1 to 7.3 in just two years, which is a 47
25 percent drop. The days away, restricted and
26 transferred rate went from 6.3 to 5.1, about 20
27 percent drop. Within the last year, the Park has also

1 written and implemented various safety and health
2 programs including chainsaw safety, motor vehicle
3 safety, and accident reporting and investigation.
4 Together, OSHA and the Park Service have provided more
5 than 12,000 hours of training to more than 300
6 employees. So clearly, we're working together to make
7 an impact there.

8 We're going to talk briefly about the
9 Alliance Program. As, I think, Cathy mentioned and
10 you saw on a slide in the beginning, there are 435
11 Alliances right now, and there are several Alliances
12 with federal agencies including EPA and MSHA, NIOSH
13 and, I believe, IRS as well. The Alliance Program is
14 OSHA's newest cooperative program. It was launched in
15 2002. And Alliances are also managed by the
16 Directorate of Cooperative and State Programs in the
17 Office of Outreach Services and Alliances. Alliances
18 are similar to partnerships in that they are written
19 signed agreements with a limited term.

20 However, Alliances are not worksite-based
21 nor do they have an enforcement or data collection
22 component. Instead Alliances offer an opportunity for
23 associations and groups to work with OSHA on a broad
24 scope, and generally there are three main areas that
25 they focus on -- training and education, outreach and
26 communication, and promoting the national dialogue on
27 workplace safety and health.

1 And as you can see, there are several
2 examples there of the benefits that are realized not
3 only by our allies but by OSHA as well. And this
4 program has been highly successful, especially in the
5 area of developing various tools that are used not
6 only by the association but are available to everybody
7 on OSHA's worksite. We've got a number of wonderfully
8 produced e-tools that are available and are used very
9 extensively.

10 Louis, can you go ahead and skip that
11 slide, please, and I will go ahead and turn it back
12 over to Cathy.

13 MS. OLIVER: Okay. Are there any specific
14 questions that you have on any of the three programs
15 that we described? And we just have one or two little
16 short wrap-up slides here now.

17 MS. RODRIGUEZ: You know, even some of -I'm
18 sure you've heard before the unions have had a lot of
19 problems with the VPP program, and mostly because, I
20 guess, our experience with in the private sector has
21 been the fact -- the concern that once an employer
22 goes through the VPP process that OSHA is not there
23 anymore, and then things can go back to the way they
24 used to be, you know, that all the great things that
25 were done to get there are no longer there. Can you
26 talk a little bit about that for those of us aren't --
27 you know, who haven't been through the process and to

1 see how that would work, what your involvement
2 continues to be?

3 MS. OLIVER: Sure. I think the most
4 important point is employees don't give up any rights
5 when you participate in the VPP program. I mean if
6 there's a complaint or an accident or a referral at
7 the worksite, I mean the same enforcement policies and
8 procedures kick in. OSHA will be there if that's the
9 policy or procedure that they should be there. The
10 only thing VPP does in terms of OSHA is just eliminate
11 a programmed inspection, so in the case of federal
12 agencies which, you know -- so I think that the key
13 here is that employees are still fully protected under
14 VPP.

15 MS. RODRIGUEZ: Okay.

16 MS. SEEMAN: I would just like add one of
17 the important parts of a VPP onsite visit are the
18 interviews that are done with employees and
19 supervisors, but during the employee interviews, one
20 of the things that's really stressed is the comfort
21 level of employees. Do you feel comfortable going to
22 your management with safety and health concerns. Do
23 you understand your rights. Do you know that you can
24 still call OSHA. So we're looking for a very clear
25 picture that those rights are in place, that they're
26 going to continue to be in place and that the comfort
27 level is there from the employee's perspective.

1 MS. RODRIGUEZ: Yes, and I think I talked
2 with Corey in the past about this very issue, so I
3 think that may be just a misconception from comments
4 of other people, you know, who have been through the
5 process maybe in companies where they've worked in the
6 past and not necessarily how the process actually
7 works. So that's -- yes, that's interesting. Thank
8 you.

9 MS. OLIVER: Yes. And one of the things
10 we suggested to the DOA when they had sort of some
11 union concern was we put them in touch with contacts
12 from other unions who had been through the process and
13 let them ask those questions just like you're asking
14 to Corey now, and it's better to hear it from them.

15 MS. RODRIGUEZ: Oh, sure. And we
16 represent the DLA folks, so I sort of went through the
17 process --

18 MS. OLIVER: Oh, good.

19 MS. RODRIGUEZ: -- of that with them, so.
20 Thank you for addressing that.

21 SECRETARY FOULKE: Any other questions or
22 comments.

23 MS. OLIVER: Then just quickly, we think
24 that these cooperative programs obviously can bring
25 some value and benefits. We would look forward to
26 working with any of your organizations or through this
27 organization to try to get more federal agency

1 involvement in VPP and Partnerships and Alliances. I
2 hope that the data that we provided you today
3 demonstrated that we think these programs -- I mean
4 these programs really work. We not only think they
5 work, we know they work.

6 And also, through the process of being
7 involved in them, you can get more assistance form
8 OSHA. You have access to tools. We can also set up
9 with mentors at your worksite so you -- everyone who
10 gets involved in the VPP or a Partnership program,
11 they're really interested in sharing their knowledge.

12 And we've had some of our private sector, for
13 example, take their own private time, vacation time,
14 at their own cost and go spend a week at a federal
15 agency to try to help them improve their safety and
16 health management system, and that's a true story. So
17 I mean it's a really great thing to get involved in
18 this. And, of course, it can help you meet the SHARE
19 goals which I'm sure everybody is trying to do.

20 And the last slide, please, Louis? So we
21 also want to ask you if you could help us. Are there
22 any venues where you have newsletters and we can put
23 articles in to promote these cooperative programs and
24 demonstrate results. We certainly have a lot of
25 information that we love to share, and if you're
26 willing to help us do that or if you're interested in
27 the Challenge program, to contact us for that or the

1 SGE program, that would be great.

2 There is one last slide that just gives
3 you our names and phone numbers should you have any
4 interest in getting more information, and we just so
5 much appreciate your time.

6 SECRETARY FOULKE: All right. Any other
7 questions or comments from anybody? Well, thank you.

8 We appreciate your time, Cathy and Laura.

9 MS. OLIVER: Thank you.

10 SECRETARY FOULKE: Thank you so much. I
11 guess going back to new business, I guess the only
12 thing that's left on the Agenda is to, I guess, go
13 around the table and indicate any additional items of
14 new business that any of the members or their
15 alternates would like to discuss. And, you know,
16 anything in particular? Yes.

17 MR. BATHURST: Just as a follow-on to the
18 new reporting requirements, we thought it might be
19 good for us to really look at it. The issue on the
20 1904 reporting requirements appears to be a potential
21 data-cull hog on some of us who have kind of worked
22 off the 1960 requirements and now are looking to shift
23 to have to collect, you know, possibly a lot of manual
24 records. I think it might be good for future
25 consideration, especially if you're looking at this
26 next reporting cycle to collect kind of, you know, the
27 experience, and what might fit is if we could work

1 together, and just as OSHA did the SHIM system, to
2 possibly expand that. It may already have some
3 expanded capability that we could cascade that out so
4 that there's a single system, department-wide
5 consistent format without everybody having to build
6 their own and absorb that overhead.

7 SECRETARY FOULKE: Okay. I think we
8 talked about it a little bit at the break, and I think
9 we'd like to try to do something on that, so. Okay?
10 Anything else on this side of the room? Corey,
11 anything? Richard?

12 MR. MARTIN: Have we accepted the seatbelt
13 report, or is that necessary, or is that just -- as
14 far as a presentation? I'm just curious.

15 SECRETARY FOULKE: I don't know. How
16 would we -- the committee had completed its work and
17 issued the report. Had it been received before or?

18 MR. LIBERATORE: No. The workgroup
19 finished it. The workgroup that was formed by the
20 previous committee completed the work but never vetted
21 it to the full committee, so this is the first
22 opportunity to vet it to the committee and take it up
23 for further consideration or whatever.

24 SECRETARY FOULKE: Okay.

25 MR. MARTIN: So we call for the vote?

26 SECRETARY FOULKE: Yes. That's right.
27 I'm assuming you're making a motion then to --

1 MR. MARTIN: Yes, to call for the vote to
2 accept the report.

3 SECRETARY FOULKE: Okay. Is there a
4 second?

5 MR. WILLIAMS: Second.

6 SECRETARY FOULKE: Any other discussion?
7 All in favor, say aye.

8 (Chorus of ayes.)

9 SECRETARY FOULKE: All opposed, nay.

10 (No response.)

11 SECRETARY FOULKE: The ayes have it. It
12 will be accepted into the record, and I guess we'll
13 maybe have some discussion on it at the next meeting
14 and provide it to all the committee members.

15 Anything else on this side of the --
16 anything that you'd like to discuss before the next --
17 okay. Good. Then the only other thing I'd say is the
18 date of the next FACOSH meeting -- I think we're
19 looking for a Thursday afternoon meeting in either
20 March or April, and I guess we can just poll
21 everybody. What I'll do is have our staff contact you
22 all with the dates, and we'll just see where we could
23 get, if not most, hopefully all, the members.

24 Does everybody have their calendar with
25 you so we can go ahead and try that? All right.

26 (Whereupon, reviewing calendars.)

27 SECRETARY FOULKE: Right now I'm looking

1 at the Thursdays in March. I think because of the
2 other committees, we try to kind of schedule the
3 things. Thursday, March 1st? Does anybody have any
4 conflicts there? Are there any of those Thursdays in
5 March, the 1st, 8th, 15th, 22nd, or 29th that anyone
6 has a more stronger preference for? If not, I propose
7 that we meet March 1st. I kind of like moving things
8 along to tell you the truth. So, any objections to
9 that?

10 Well, let's tentatively schedule it for
11 Thursday, March 1st, 2007 starting at 10 o'clock, and
12 that meeting will be held at the Department of Labor
13 building.

14 MS. BRAYDEN: Is there some reason we
15 wanted an afternoon meeting?

16 SECRETARY FOULKE: I don't know. Is there
17 any -- they were talking about possibly having an
18 afternoon meeting -- morning, afternoon? I kind of
19 like to start at -- is 10 -- I mean that way we have
20 the whole day, and that way we don't have to carry
21 over anything or anything else like that. Let's do
22 that. Ten o'clock on Thursday, March 1st. And we'll
23 be sending out --

24 Is there any other discussions or anything
25 else that anybody else wants to bring up? If not, I
26 would entertain a motion to adjourn then.

27 MR. MARTIN: Second.

1 SECRETARY FOULKE: All in favor of that
2 motion, please signify by saying aye.

3 (Chorus of ayes.)

4 SECRETARY FOULKE: All opposed, nay.

5 (No response.)

6 SECRETARY FOULKE: The committee stands
7 adjourned until Thursday, March 1st, 2007.

8 (Whereupon, at 3:40 p.m. the forgoing
9 meeting was adjourned.)

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